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CARLISLE INDIAN SCHOOL

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

67
469

TO

INVESTIGATE INDIAN AFFAIRS

FEBRUARY 6, 7, 8, AND MARCH 25, 1914

PART 11

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CONGRESS OF THE UNITED STATES.
JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

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Oct 27 1915

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CARLISLE INDIAN SCHOOL.

FRIDAY, FEBRUARY 6, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Carlisle, Pa.

The joint commission met in the Y. M. C. A. hall at the Carlisle Indian School, Carlisle, Pa., at 4.30 o'clock p. m.

Present: Senators Robinson (chairman) and Lane and Representatives Stephens and Carter.

The CHAIRMAN. The Joint Commission of Congress to Investigate Indian Affairs visits the Carlisle Institute for the purpose of inspecting the same and making an investigation of the conditions prevailing at the institute.

TESTIMONY OF MRS. ROSA B. LA FLESCHÉ.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your name?

Mrs. LA FLESCHÉ. Rosa B. La Flesché.

The CHAIRMAN. Are you employed in the Carlisle Institute?

Mrs. LA FLESCHÉ. Yes, sir.

The CHAIRMAN. In what capacity are you employed?

Mrs. LA FLESCHÉ. My title is manager of the outing department.

The CHAIRMAN. How long have you been connected with the institute?

Mrs. LA FLESCHÉ. This time I have been here nearly two years.

The CHAIRMAN. Were you formerly employed here?

Mrs. LA FLESCHÉ. Yes.

The CHAIRMAN. How long ago and for what length of time?

Mrs. LA FLESCHÉ. Why, I came here in 1889, and was a student for one year. I then graduated and then took a position and was here 12 years.

The CHAIRMAN. Where was your home before you entered the Carlisle Institute?

Mrs. LA FLESCHÉ. Michigan.

The CHAIRMAN. What is the general character of the duties you perform, Mrs. La Flesché?

Mrs. LA FLESCHÉ. Why, principally clerical work and directing the outing—pupils going out and coming in, and looking after them while they are out.

The CHAIRMAN. Do you live here at the institute?

Mrs. LA FLESCHÉ. Yes, sir.

The CHAIRMAN. How long have you lived here?

Mrs. LA FLESCHÉ. Nearly two years.

The CHAIRMAN. Are you familiar with the conditions in the school?

Mrs. LA FLESCHÉ. Why, so far as my department is concerned.

The CHAIRMAN. Have you observed the progress and conditions that obtain in the school generally?

Mrs. LA FLESCHÉ. Yes, sir.

The CHAIRMAN. The state of discipline among the pupils?

Mrs. LA FLESCHÉ. It is better now than when I first came here, although it is lax yet.

The CHAIRMAN. How long is it since it began to improve?

Mrs. LA FLESCHÉ. Well, this fall.

The CHAIRMAN. What do you mean by "lax"? Describe it?

Mrs. LA FLESCHÉ. Well, the pupils seem to have no regard for the orders that are issued, and, of course, that seems to be the cause for much of the trouble.

The CHAIRMAN. You know Supt. Friedman, of course?

Mrs. LA FLESCHÉ. Yes, sir.

The CHAIRMAN. In what estimation is he held by the pupils?

Mrs. LA FLESCHÉ. I think that is where the trouble is; they do not regard him highly. They have no respect for him.

The CHAIRMAN. What evidence do you see of the fact that he is not highly esteemed by the pupils? What circumstances lead you to that conclusion?

Mrs. LA FLESCHÉ. Why, there has been times when he has asked them to do things that they positively refused.

The CHAIRMAN. Tell us something about those things.

Mrs. LA FLESCHÉ. At one time last summer there was a party of girls, two or three, I think, being sent home. They were sent from the office building. The carriages were at the office, and a group of girl friends followed them up to the office and were sitting out on the campus, and they wanted to say good-by to their friends, and Mr. Friedman, of course, did not want them to speak to the girls that were being expelled. At first he sent Miss Ridenour out to tell them to go back to quarters, and the girls would not go. There must have been about 8 or 10 girls there. So she went into the office and told him, and he came out on the porch and asked them to go to the quarters, and they defied him, and just stayed right there.

The CHAIRMAN. That is one incident. Do you know of other instances when the pupils have openly shown a contempt of his authority?

Mrs. LA FLESCHÉ. No; I don't know of any—that is, I don't know of my own observation, but I have heard of other cases.

The CHAIRMAN. Here about the premises?

Mrs. LA FLESCHÉ. Yes, sir.

The CHAIRMAN. From whom did you hear it?

Mrs. LA FLESCHÉ. From Mr. Denny, the assistant disciplinarian, and Mr. McKean.

The CHAIRMAN. Who is the disciplinarian here?

Mrs. LA FLESCHÉ. Mr. McKean.

The CHAIRMAN. How long has he been here?

Mrs. LA FLESCHÉ. I think he came last June—May or June—some time last summer.

The CHAIRMAN. Do you know anything about the number of female pupils who have been sent home during the last school year?

Mrs. LA FLESCHÉ. I know there has been several, but I do not know the exact number.

5. The CHAIRMAN. Do you know the causes for which they were expelled?

Mrs. LA FLESCHÉ. Not fully; they did not come under my department.

The CHAIRMAN. That did not come under your jurisdiction?

Mrs. LA FLESCHÉ. Of course, I heard of those things; but I do not know definitely about them.

The CHAIRMAN. How is the culinary department, the feeding department, of the school run? Under whose authority is that?

Mrs. LA FLESCHÉ. I really do not know. I think perhaps Mr. Kensler has charge of that department.

The CHAIRMAN. Do you know anything about what kind and quality of food is served the pupils?

Mrs. LA FLESCHÉ. I do not. I know the pupils are not satisfied.

The CHAIRMAN. Is the complaint general?

Mrs. LA FLESCHÉ. Yes.

The CHAIRMAN. What is the general nature of the complaint?

Mrs. LA FLESCHÉ. They do not get enough to eat.

The CHAIRMAN. Is there any complaint as to the quality?

Mrs. LA FLESCHÉ. I do not know about that.

The CHAIRMAN. I asked you awhile ago if you knew of any other instances where the authority of the superintendent had been held in open contempt by the pupils. Do you know anything about their calling him opprobrious names or jeering at him?

Mrs. LA FLESCHÉ. Yes, I do. I know that he passed by the boys' quarters one evening, and the boys were supposed to be in bed and all quiet, and all of a sudden there was quite a racket, noise, and hollering, and I heard that they threw old shoes at him—sticks and things they could get hold of.

The CHAIRMAN. Do you know if they called him any names?

Mrs. LA FLESCHÉ. No.

The CHAIRMAN. Did he know it?

Mrs. LA FLESCHÉ. Yes; he knew it.

The CHAIRMAN. What was done about it?

Mrs. LA FLESCHÉ. I do not know. Mr. McKean and Mr. Dickey were in their cottage. They lived in that small cottage. The lights were out and boys supposed to be asleep, and they heard this racket, and they jumped up and went out and met Mr. Friedman, and he told them they had better look after their boys. I do not know what was done in regard to that.

The CHAIRMAN. Do you know whether domestic science is taught in the school, or anything pertaining to housekeeping?

Mrs. LA FLESCHÉ. Not that I know of, no.

The CHAIRMAN. Do you know what effort is made to instruct the male pupils in farming or dairying or kindred occupations?

Mrs. LA FLESCHÉ. The outing department is supposed to give the boys experience on the farm and the girls experience in housework.

The CHAIRMAN. That is, instead of giving the instruction in housekeeping to the girls and in agriculture to the boys here in the school, they are sent out to receive that instruction?

Mr. LA FLESCHÉ. Yes, sir.

The CHAIRMAN. Do you know whether that is in fact given them, and how many of them receive that kind of instruction?

Mr. LA FLESCHE. Why, I know they go out and work on the farm and work in the homes, and in some cases the idea for which the outing department was started is carried out. Again, there are other cases where they get the boys and girls; that is, the farmers and people get the boys and girls for the work they can get out of them.

The CHAIRMAN. They hire out both boys and girls to farmers?

Mrs. LA FLESCHE. Yes, sir; the boys to farmers, and there are only a few farm homes for the girls.

The CHAIRMAN. Are they supposed to receive salaries or pay for their work?

Mr. LA FLESCHE. They do.

The CHAIRMAN. What is done with the income from that source?

Mrs. LA FLESCHE. We have certain rules that govern that, and half of their wages are to come here to the bank and to be saved for them until their period of enrollment expires, and then the other half they are allowed to spend.

The CHAIRMAN. Do you know how many boys were hired out to the farmers last year, during the last school year?

Mrs. LA FLESCHE. I can not give you the exact number.

The CHAIRMAN. Do you know approximately?

Mrs. LA FLESCHE. Yes; we have something over 500 boys and girls together.

The CHAIRMAN. How long are they permitted or required to remain out on the farm?

Mrs. LA FLESCHE. We have an outing party in April, and those boys and girls usually stay out until the last of August. Then they come in and begin school the 1st of September, except those boys and girls wishing to remain out and attend school in the country.

The CHAIRMAN. Do they attend the public schools?

Mrs. LA FLESCHE. Yes, sir.

The CHAIRMAN. What is the average wage that the boys receive?

Mrs. LA FLESCHE. The boys get from \$12 to \$15 average, and the girls about \$8.

The CHAIRMAN. You mean a month?

Mrs. LA FLESCHE. Yes, sir. That includes board and washing.

The CHAIRMAN. Do they get any salary when they attend the public schools?

Mrs. LA FLESCHE. No, sir.

The CHAIRMAN. How are they clothed? Are they clothed by this institution?

Mrs. LA FLESCHE. Yes; they just work for their board when they are out in the wintertime.

The CHAIRMAN. Do you know of many pupils in this school who have been taken from places where they have had advantages of homes before they came to this school?

Mrs. LA FLESCHE. Do I know—

The CHAIRMAN. Do you know how many pupils were in the public schools where they had the advantages of homes before they came here?

Mrs. LA FLESCHE. I should think about one-half to three-fourths of the pupils who are here have the advantage of public schools. Of course, I may be wrong about that, but a great many of them have.

The CHAIRMAN. That is your estimate?

Mrs. LA FLESCHE. Yes.

The CHAIRMAN. When they go on the outing what arrangement is made about the pupils' railroad fare?

Mrs. LA FLESCHE. The patrons pay their fare out to their country home, and then the pupils pay their way back. The fare seldom goes over \$4. We have several homes where it takes \$4.23 for railroad fare.

The CHAIRMAN. Now, Mrs. La Flesche, I would like for you to make a general statement as to your observation of the conditions here, and set forth any facts that you think ought to be called to the attention of this commission, if you please, without restraint.

Mrs. LA FLESCHE. One thing especially that I have felt was deplorable in my department was this fact, that Mr. Friedman has always pressed me—and, I think, likewise pressed Mrs. Denny, when she had charge of the outing department—to put a great many pupils out. That seems to be his special desire, to make the number large regardless of the kind of homes or the quality of students we send out. The idea of the outing, as originated by Gen. Pratt, was to teach the Indian boy and girl how to live and come in contact with white people in their own homes, how to learn the economical ways of housekeeping, farming, etc. That was the idea, to place them not as servants, but sort of helpers, getting wages for what they did, and to receive help by the patrons by their association. That was the original idea of the outing.

That principle has been lost, it seems to me. When I was here as a student I went out. I was out two different summers, and at both times I was in good homes, and I gathered a great deal; I gained a great deal from my experience. I find that in many cases—of course, the boys do not talk to me as much as the girls, but the girls will tell me about their outing homes, and they tell me where they have been benefited, and others tell me where they have not been. My idea of the outing would be this, to place the pupils in well-selected homes, and improve the quality of the pupils—make it a privilege to go out, rather than send any boy or girl in order to swell the numbers.

The CHAIRMAN. The object of the outing is, of course, as you have said, or should be, to give the pupils the advantage of training in good homes?

Mrs. LA FLESCHE. Yes.

The CHAIRMAN. And you think that class of work can only reach the highest degree of success by carefully selecting the homes to which the pupils are sent and then also carefully selecting the pupils, in order that the advantages may properly be availed of?

Mrs. LA FLESCHE. Yes. I know there were times last summer when Mr. Friedman said to me, "Put them out; put them out." He kept on pushing me to put them out. And there were cases where pupils that I would not have in my own house that we had to send out in order to make the numbers that he wanted.

The CHAIRMAN. If I understand you correctly, the only idea that seems to prevail among the present management is to put out as many students as possible in order that the income from that source may be increased, largely losing sight of the benefits to the pupils, which was the original purpose of the outing work?

Mrs. LA FLESCHE. Yes.

The CHAIRMAN. Do you know whether there is much drinking among the pupils?

Mrs. LA FLESCHE. Very much.

The CHAIRMAN. What observation have you made of that?

Mrs. LA FLESCHE. We had a great deal of trouble out in the country. Of course, the lax discipline here, I feel, is the cause of much of our trouble in the country. Mr. Dickey is the outing agent. He visits the homes of the boys and he spent most of his time—instead of encouraging them to work, etc., he spent most of his time after runaways and taking care of the drunks, and there was a great deal of drinking here last winter, more than there has been this winter.

The CHAIRMAN. Is liquor sold in this town legally?

Mrs. LA FLESCHE. I suppose so.

The CHAIRMAN. Is it, Mr. Rupley?

Congressman RUPLEY. Yes; under a high-license law. It is sold simply in hotels.

The CHAIRMAN. Have you any information as to how this liquor is procured by the Indian pupils?

Mrs. LA FLESCHE. No; I do not know. I have heard they can get it any time they want it.

The CHAIRMAN. Have you seen the Indians drunk about the school grounds?

Mrs. LA FLESCHE. Yes.

The CHAIRMAN. To what extent?

Mrs. LA FLESCHE. I happened to be passing—I heard them yelling around, and then I was passing out the gate one evening and I met a couple of the boys drunk. And last winter, down on the skating pond, and several times when they had their receptions here in the gymnasium I smelled liquor on some of the boys.

Senator LANE. Do any of the girls drink?

Mrs. LA FLESCHE. Not that I know of.

The CHAIRMAN. What is the state of discipline among the girls, Mrs. La Flesche; the general state of it?

Mrs. LA FLESCHE. Why, from all I can gather they are very hard to control. Last year there was very lax discipline, but this year they seem to have a better hold of it than they had last year.

The CHAIRMAN. What is the state of feeling of the young lady pupils and the girls in the school toward the superintendent?

Mrs. LA FLESCHE. They have no respect for him.

The CHAIRMAN. What evidence have you of that fact?

Mrs. LA FLESCHE. Just their general attitude.

The CHAIRMAN. Do they hold him in contempt?

Senator LANE. And why?

Mrs. LA FLESCHE. I don't know why. I don't know really—I do not talk to the children about those things.

Senator LANE. From your observation, why?

Mrs. LA FLESCHE. It seems as though he is not fatherly. He does not seem to care anything for the children. That seems to be the general feeling.

Representative STEPHENS. You say there is better discipline now than last fall?

Mrs. LA FLESCHE. Yes, sir.

Representative STEPHENS. What do you attribute that to?

Mrs. LA FLESCHE. Well, last year when I first came here there was—the disciplinarian and matron at that time were not in harmony with the superintendent, and, of course, they were pulling and hauling both ways.

The CHAIRMAN. Do they complain of instances of injustice upon the part of the superintendent?

Mrs. LA FLESCHE. Yes.

The CHAIRMAN. Can you state some of the instances?

Mrs. LA FLESCHE. Yes; there are individual cases where he seems to have been unjust. I do not know as a whole that I could state anything, but there are individual cases where he has not dealt fairly with them, and of course that has spread around among the pupils. They all feel it.

The CHAIRMAN. They take that view of it, do they, that he has been unjust?

Mrs. LA FLESCHE. Yes; I think perhaps you could get a better idea of this by speaking to the children about that. They know more about it.

The CHAIRMAN. How about the employees? Have there been complaints about injustice to them on the part of the superintendent—that is, against the superintendent?

Mrs. LA FLESCHE. Why, of course, he has his favorites. I do not know whether they complain about any unjust treatment or not. I know they do not cooperate with him; that is, a great many of them do not, and they have no respect for him. There are a certain few that do.

The CHAIRMAN. Do you know of any instances where pupils of this school have been confined in the county jail recently?

Mrs. LA FLESCHE. Yes, sir.

The CHAIRMAN. How many?

Mrs. LA FLESCHE. There were one or two girls, I think, and several boys.

The CHAIRMAN. Do you know upon whose complaint they were confined?

Mrs. LA FLESCHE. I do not.

The CHAIRMAN. Who are they?

Mrs. LA FLESCHE. One girl by the name of ———; I do not remember her first name.

The CHAIRMAN. What was the charge against her?

Mrs. LA FLESCHE. Immorality, I think.

Senator LANE. How old a girl is she?

Mrs. LA FLESCHE. I would say about 17 years old.

The CHAIRMAN. Do you know how long she was confined in jail?

Mrs. LA FLESCHE. No; I do not. I think there was another one. She is a younger girl, and was sent to—not Glen Mills, but some place up there.

The CHAIRMAN. What is the condition in the school with reference to morality among the pupils, Mrs. La Flesche?

Mrs. LA FLESCHE. So far as I know now, it is better than last year.

The CHAIRMAN. What was it last year? Good or bad?

Mrs. LA FLESCHE. Pretty bad, I think.

The CHAIRMAN. Was there general complaint here about the condition in that particular?

Mrs. LA FLESCHÉ. No——

The CHAIRMAN. General discussion?

Mrs. LA FLESCHÉ. Well, I did not hear very much about that.

The CHAIRMAN. When did the improvement in the morals begin? When did you first observe it?

Mrs. LA FLESCHÉ. Last fall, when they had their change of disciplinarians and matrons. I think then Mr. Friedman began to cooperate with his disciplinarians and matron. Before that there was no cooperation at all. There was open warfare——

Senator LANE. Who was the matron formerly?

Mrs. LA FLESCHÉ. Miss Jennie Gaither; it is now Miss Ridenour.

Senator LANE. Where is Miss Gaither now?

Mrs. LA FLESCHÉ. Down at Phoenix, Ariz.

The CHAIRMAN. Who was disciplinarian last year?

Mrs. LA FLESCHÉ. Mr. Henderson and Mr. Rudy. Mr. Rudy lives in town, and Mr. Henderson lives at Cherokee, N. C.

Senator LANE. Now, these girls that were in jail. How did they come to be sent to jail? Was that by request of the superintendent here, or complaint from the outside?

Mrs. LA FLESCHÉ. I don't know just how. It must have come from here, because there was no complaint from outside.

Senator LANE. In cases of immorality among girls, can you not take care of them here instead of sending them to jail?

Mrs. LA FLESCHÉ. Why, I should think so. That does not come under my department.

Senator LANE. Or the institution—in a general way, you would know, wouldn't you?

Mrs. LA FLESCHÉ. I have heard something about it, but I do not know definitely about those things. Those meetings and those doings were done by Miss Ridenour, and Mr. Friedman, and Mr. Stauffer, and Mr. Denny, and Mr. McKean, and Mr. Kensler. Those are the faculty, and they had meetings there quite often in Mr. Friedman's office, and they would conduct the affairs.

Senator LANE. Are these what they call incorrigible girls, hard to manage, head strong, willful children?

Mrs. LA FLESCHÉ. Why, I do not know.

Senator LANE. Do you know them at all personally?

Mrs. LA FLESCHÉ. I just know of them. I do not know them personally.

Senator LANE. How many girls are there here?

Mrs. LA FLESCHÉ. There must be something like 265 or 270. I deal principally with those that are going out in the country and coming back.

Senator LANE. Those girls that you handle outside, how do you find those? Are they good girls?

Mrs. LA FLESCHÉ. Yes.

Senator LANE. Are they amenable to advice and kind treatment?

Mrs. LA FLESCHÉ. Yes, sir; I think so; the majority of them are. There are girls—there were a number perhaps that were placed out that should not have gone, because they were not good girls; they were incorrigible, and they should have been kept here.

Senator LANE. Sending them out that way, an incorrigible girl is liable to get into trouble, is she?

Mrs. LA FLESCHÉ. Yes.

Senator LANE. That is what they say?

Mrs. LA FLESCHÉ. Yes, sir; and that is what I protested against, but it did not make any difference. The result of that was we had 8 or 10 cases of runaways, girls running away from their good homes, and they were that class of girls. Our better girls do not do anything like that.

Senator LANE. What became of them afterwards?

Mrs. LA FLESCHÉ. They returned, most of them, and were brought back here to the school.

Senator LANE. And they are back in here now?

Mrs. LA FLESCHÉ. Yes.

Senator LANE. Do they behave themselves now since they came back?

Mrs. LA FLESCHÉ. So far as I know.

The CHAIRMAN. Mrs. La Flesché, is there a state among the pupils here bordering on insurrection?

Mrs. LA FLESCHÉ. Yes, sir.

The CHAIRMAN. In your opinion, do you think it is liable to become flagrant?

Mrs. LA FLESCHÉ. I certainly do.

The CHAIRMAN. What do you think is the remedy for it, if you have one?

Mrs. LA FLESCHÉ. The only remedy now is to remove the superintendent. It has gone too far.

The CHAIRMAN. You think it is beyond his power to restore discipline?

Mrs. LA FLESCHÉ. Yes; he never in the wide world could get their confidence.

The CHAIRMAN. Is he lacking then in the confidence and respect of the pupils generally?

Mrs. LA FLESCHÉ. Yes, sir.

Senator LANE. What do you mean by "insurrection," Senator? Defying authority?

The CHAIRMAN. Yes; open rebellion.

Representative STEPHENS. These girls you spoke of as being sent home at the time this came under your personal observation, did they defy him at that time, and if so, what did he do when they defied him?

Mrs. LA FLESCHÉ. I really do not know the real cause for sending them home.

Representative STEPHENS. You do not know the cause?

Mrs. LA FLESCHÉ. No; I do not know. I do not wish to state that, because I might not get it straight.

Representative STEPHENS. What did he request them to do that they refused to do?

Mrs. LA FLESCHÉ. I do not know.

Senator LANE. Mrs. La Flesché said that these were girls that were going to see these other girls off, and he ordered them to quarters and they refused to go.

Representative STEPHENS. What did he do to those girls then?

Mrs. LA FLESCHÉ. I do not know what he did. They just stayed there on the campus. I do not know whether they were disciplined after that or not.

Senator LANE. He has the power and authority to see that they do go to quarters?

Mrs. LA FLESCHÉ. Yes, sir.

Senator LANE. Is he merely good natured and careless, or—in that case how was it?

Mrs. LA FLESCHÉ. He seems to lack—he lacks something; I don't know what it is.

Senator LANE. Backbone?

Mrs. LA FLESCHÉ. He lacks the power to control. He just does not have it.

Representative CARTER. Executive ability; is that it?

Mrs. LA FLESCHÉ. Yes; he does not have it. When I was a student here we would no more think of defying Gen. Pratt—when Gen. Pratt would tell us to do something we would go and do it in a hurry. But with Mr. Friedman, not any of them seem to care anything about him. They just seem to laugh in his face and walk on.

The CHAIRMAN. Do they ridicule him?

Mrs. LA FLESCHÉ. Yes.

The CHAIRMAN. Do you know of their getting up a petition and sending it to Congressman Rupley?

Mrs. LA FLESCHÉ. I know—that is, I heard of it.

The CHAIRMAN. That is one evidence of insubordination and dissatisfaction that you regard as general throughout the school?

Mrs. LA FLESCHÉ. Yes.

The CHAIRMAN. I think that is all.

Representative CARTER. I want to ask a few questions.

Representative STEPHENS. I want to ask a question or two. Have any of them complained that they did not get their money when they came in?

Mrs. LA FLESCHÉ. Yes.

Representative STEPHENS. How many?

Mrs. LA FLESCHÉ. I do not know, but they find many complaints.

Representative STEPHENS. You have no authority to investigate or say anything about it, but you know they have made those complaints?

Mrs. LA FLESCHÉ. Yes. The money comes in from the country and I turn it over to Mr. Miller, and further than that I have not any control over it.

Representative STEPHENS. Have you ever traced up any of those individual cases where the money coming in from the country and through you was turned in here, to know whether the student did get any of it or not?

Mrs. LA FLESCHÉ. Yes. I looked up one case—John Jackson or Jacob Jackson. He is a boy that lived in my home in Michigan. He wrote to me asking about his money, so I went to Mr. Miller and asked why John could not get his money. He said it was on account of some ruling of the Indian Department in regard to individual Indian moneys; that only a certain amount could be allowed during the year.

Representative STEPHENS. How much was due him, if you know?

Mrs. LA FLESCHÉ. I do not remember just exactly, but the figures can be obtained—

Representative STEPHENS. They keep books, do they?

Mrs. LA FLESCHÉ. Yes.

Representative STEPHENS. Do you keep any check on your work to know how much is turned over to them?

Mrs. LA FLESCHE. Yes.

Representative STEPHENS. Can you look that up?

Mrs. LA FLESCHE. Yes.

Representative STEPHENS. When was that?

Mrs. LA FLESCHE. When did the boy write?

Representative STEPHENS. Yes; that boy turned in the money to you and failed to get it.

Mrs. LA FLESCHE. The boy went home last August or September. He spent the summer out in the country, and each month the man he was working for sent me his wages, and it was turned in to the bank, to Mr. Miller. Then after that he went to his home, and about a month ago he wrote me asking for the money, and I went to Mr. Miller to find out, and that was what I got.

The CHAIRMAN. Were any of the children disciplined for making complaints against the management here?

Mrs. LA FLESCHE. Yes, sir.

The CHAIRMAN. How many, and what was done with them?

Mrs. LA FLESCHE. Why, one girl was sent home.

The CHAIRMAN. Who was she?

Mrs. LA FLESCHE. ——— ———.

The CHAIRMAN. Do you know where she is from?

Mrs. LA FLESCHE. She is from Wisconsin, I think. And I heard that Gus Welch was considered a leader among the boys. I do not know that he was sent home, but he went home anyway.

Representative CARTER. Gus is not here now?

Mrs. LA FLESCHE. No; I think you can get him, Mr. Carter.

Representative CARTER. Mrs. La Flesche, you stated that the railroad fare for the outing students was paid by the people who took them into their homes, and the students paid their own fare when they returned?

Mrs. LA FLESCHE. Yes.

Representative CARTER. Is that always true?

Mrs. LA FLESCHE. Yes.

Representative CARTER. Is it not a fact that funds are sometimes used from the appropriation for the school for that purpose?

Mrs. LA FLESCHE. Not that I know of.

Representative CARTER. Now, we make an appropriation every year by Congress for that purpose.

Mrs. LA FLESCHE. For the outing?

Representative CARTER. Taking children to and from the outing — to and from homes on the outing system.

Mrs. LA FLESCHE. I do not know anything about it.

Representative CARTER. I wanted to ask you how many girls you said were here?

Mrs. LA FLESCHE. I think about 265 or 270.

Representative CARTER. How many boys?

Mrs. LA FLESCHE. I do not know —

Representative CARTER. Do you know what the enrollment was?

Mrs. LA FLESCHE (continuing). I think, between 700 and 800.

Representative CARTER. What was the enrollment last year? Do you know?

Mrs. LA FLESCHE. I do not know.

Representative CARTER. But you know the average, don't you?

Mrs. LA FLESCHÉ. No.

Representative CARTER. Or the per capita cost?

Mrs. LA FLESCHÉ. No; I do not know those things. Mr. Meyer would be able to tell you that.

Representative CARTER. Now, Mrs. La Flesche, I think you can give us a little clearer statement as to the cause of this bad discipline here if you would refresh your memory. There must be some direct cause for it outside of the fact that the superintendent has not executive ability.

Mrs. LA FLESCHÉ. The children do not like him.

Representative CARTER. They do not respect him?

Mrs. LA FLESCHÉ. No; they do not like him; they do not respect him.

Representative CARTER. Do you know why they do not respect him?

Mrs. LA FLESCHÉ. I think one of the things is that he misrepresents things——

Representative CARTER. Those are the things we want to know.

Mrs. LA FLESCHÉ. He misrepresents things.

Representative STEPHENS. What do you mean by that—that he misrepresents things?

Mrs. LA FLESCHÉ. For instance, we received a boy from the West, James Holy Eagle or Holy Elk. He is a young man about 17 of 18 years old and a good musician. He came here last fall and entered the band and orchestra. He is one of the leaders now. Well, in the papers frequently you read where James Holy Eagle, a pure-blood Indian, just arrived from the West, was placed in the band, and was an expert musician, or something like that, and the inference is that he received that during his short stay here. That is the idea—to give out a good sounding article.

Senator LANE. Boosting the school?

Mrs. LA FLESCHÉ. Yes; and it is that way in everything.

Representative CARTER. Well, Mrs. La Flesche, are there any reasons why they should not respect Mr. or Mrs. Friedman? We want you to be perfectly plain with us.

Mrs. LA FLESCHÉ. I do not think—he is not a fatherly, you know. They go to him, for instance—there is a time when a child feels that they like to have a talk with a mother or father, and perhaps a boy will go to him and ask him something, and he will say "Go to Mrs. La Flesche," or "Go to Mr. Meyer." They will come to us, and, of course, we can not decide. There are certain things that are not in our power to decide; and they feel hurt because he does not come closer to them.

Representative CARTER. Is his conduct bad in anyway before them?

Mrs. LA FLESCHÉ. I do not think——

Representative CARTER. Has he any bad habits?

Mrs. LA FLESCHÉ. I do not think that he has a good influence, but not any bad habits that I know of. I could not say that he was bad.

Representative CARTER. He has not any bad habits?

Mrs. LA FLESCHÉ. Not that I know of.

Representative CARTER. Have you ever had any difference with Mr. Friedman?

Mrs. LA FLESCHÉ. No; I have never had.

Representative CARTER. There is no animosity?

Mrs. LA FLESCHÉ. Nothing at all. So far as I am concerned, he is friendly with me. I have nothing against him.

Representative CARTER. Is he addicted to the use of whisky?

Mrs. LA FLESCHÉ. I do not know that.

Representative CARTER. You do not know whether he has any habits of that character at all?

Mrs. LA FLESCHÉ. I do not know anything about it.

Senator LANE. What you mean is that he is not responsive to children?

Mrs. LA FLESCHÉ. Yes; he just turns them over to somebody else.

Representative CARTER. Do you consider anybody else responsible for the bad discipline here except Mr. Friedman?

Mrs. LA FLESCHÉ. No; I do not.

Representative CARTER. There are no other influences in the school?

Mrs. LA FLESCHÉ. I do not know of any, Mr. Carter.

Representative CARTER. Indian children, as a rule, are not very difficult to control, are they?

Mrs. LA FLESCHÉ. No.

Representative CARTER. Haven't you always found them much more easy to control than white children?

Mrs. LA FLESCHÉ. Yes. I feel certain that if we had a head here that would take an interest in the pupils, that they could care for and respect, I think there would be no trouble.

Representative CARTER. Who can tell us about the girls?

Mrs. LA FLESCHÉ. I should think, Miss Ridenour.

Representative CARTER. I mean the girls you spoke of as having been sent home for some cause.

Mrs. LA FLESCHÉ. Miss Ridenour ought to be the one to tell. She knows those.

The CHAIRMAN. We thank you very much, Mrs. La Flesche.

(Thereupon, at 5.30 o'clock p. m., a recess was taken until 6.15 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the commission reassembled.

The CHAIRMAN. A number of young men students in the school are present, and I am informed by Inspector Linnen that they represent the male pupils in the school.

Inspector LINNEN. Gentlemen of the committee, I have to state that since I came here on this investigation a large number of the student body, both boys and girls, have requested of me permission to hold meetings, at which time they would select members of their student body who would be representative of them to appear before me or before your commission to state their grievances. I gave them permission to appoint such a committee, and the boys are now here present, with one exception. They have stated that the matters which they desire to complain of are, first, laxity of discipline; second, unjust expulsion of students without reason and the withholding of some that should be expelled; third, misrepresentation of the school to the public and to the authorities in Washington; fourth,

insanitary conditions in the school; fifth, insufficient quantity and quality of food; and, sixth, unjust punishment.

(All the witnesses present were thereupon duly sworn by the chairman.)

TESTIMONY OF HIRAM CHASE.

Mr. CHASE. May I have notes?

The CHAIRMAN. You may proceed and make your statement.

Mr. CHASE. Mr. Friedman has expelled many students—

The CHAIRMAN. One moment. A number of young gentlemen are present here with you, and I desire to know whether you purport to represent the student body in the Carlisle Institute.

Mr. CHASE. Yes, sir.

The CHAIRMAN. And if so, upon what authority you appear before the commission; what authority from the student body?

Mr. CHASE. At a meeting of the male students of this institution they appointed a committee. The first time a committee of four was appointed, but after an interview with Mr. Linnen they decided to have eight at least, and we called another meeting, and there was eight, the committee which is here now, with the exception of one member.

The CHAIRMAN. Now you may proceed and submit the matters of which complaint is made by the student body which you represent, and all the facts and circumstances in connection with it that are within your knowledge.

Mr. CHASE. Mr. Friedman has expelled a great number of students from this institution. Many have been expelled with just cause, while there have been others who have not had a just cause for which to be expelled. I have the names of about 26 students who have been expelled since last March. The greatest cause for expelling these students, those that deserved it, is that boys and girls have met at the various times. And the student body as a whole, they wish to have such students expelled from the school. We do not want to have such students as that. They held meetings with the girls when that should not be.

On the other hand, there have been a great number of students who have been expelled unjustly. For instance, there is Montreville Yuda. At one time he was very highly thought of by Mr. Friedman. Mr. Friedman thought Yuda was all right.

That was the time they had a play here, entitled "The Captain of Plymouth," and Mr. Yuda had the chief part in this play. He was a boy—I can say that I believe he is the smartest boy I have seen from this school—that is, that has not went any further in the outside schools than this school. He was very highly thought of by Mr. Friedman. He is a boy of influence, and stood for the right. A few of the disciplinarians and Mr. Dietz, they started to bring charges against Montreville that he had been spending nights—they brought charges against Yuda being at town and being at the school only about once a week. When Yuda found out about this he went to Mr. Friedman—he went to the disciplinarian and asked the disciplinarian if the charges had been made. The disciplinarian said yes, but why punish a boy when he is not guilty? Yuda, he wanted these charges to be proven, and he went to Mr. Friedman and he asked him.

He said, "Do you make these charges against me?" Mr. Friedman said, "Yes, sir." He said, "You prove them." He said, "We don't need to prove them; we know it. You don't have to prove them." Yuda said, "You let me prove it." Mr. Friedman said, "No, you don't need to prove that." Yuda said to him, "What kind of justice do you call that? Are you going to stand by the disciplinarians when they bring cases to you that way and want to punish me for unjust causes?" And he said, "Yes; I will stand by my disciplinarians to the letter 'T,' whether they are right or wrong."

This statement came from Montreville Yuda. Montreville told him, "You take my name off the roll." He said, "No, sir; I will not do any such thing, but I will consider you later."

Yuda stayed around here a couple of days, and I think he went to Washington to see some one. I did not find out who it was. When he came back to Carlisle he came back to the grounds. In the meantime Mr. Friedman had heard about this.

The CHAIRMAN. About what?

Mr. CHASE. About Montreville going to Washington, and he gave him two or three hours to get off the grounds. He said, "You leave the school and leave the town, and not come back."

The CHAIRMAN. What are the facts with reference to the charges against Yuda? Do you know what the facts are? Was he absent from the school the greater part of the time?

Mr. CHASE. They claimed that he stayed here about one night of the week.

The CHAIRMAN. What are the facts?

Mr. CHASE. It is not true; he stayed here more than that.

The CHAIRMAN. Was he away from home any considerable time?

Mr. CHASE. Not a great part. I suppose he was away once or twice in a week probably.

The CHAIRMAN. What was he doing away, if you know?

Mr. CHASE. I am sure I don't know.

Senator LANE. Is that against the rules?

Mr. CHASE. Yes, sir.

Senator LANE. He had broken the rules then?

Mr. CHASE. Yes, sir.

The CHAIRMAN. All right. Are there any other cases of expulsion of pupils which the body which you represent feel were wrongful?

Mr. CHASE. Yes, sir. Louis Schweigman was expelled on January 9 of this year. He returned to school this fall and started to work for Mr. Whitwell, the principal teacher. He worked in the office a considerable time, and Mr. Whitwell said he is one of the best boys he had work in his office. He worked there a good deal of the time, and finally Mr. Friedman wrote a letter to Mr. McKean and said, "I want you to take Louis Schweigman out of Mr. Whitwell's office."

Representative CARTER. Who is Mr. Whitwell, and who is Mr. McKean?

Mr. CHASE. Mr. McKean is head disciplinarian, and Mr. Whitwell is the principal teacher. He had Louis Schweigman removed from the principal teacher's office to work half a day. He did, and that did not suit Mr. Friedman, so he had him taken out the whole day, and Louis was taking sign painting and he had to study hard to get it. Finally they claimed that he was loafing, and I know for a fact that this boy was studying this sign painting. He had a book that he got

from the instructor in painting, Mr. Carns, and he was studying this, and they claimed that he was a loafer.

They threatened to expel him, so he wrote to Washington, and they arranged to send him home. He had written to his father for money, so Mr. McKean got him ready, and they taken him to Harrisburg. He got on the train at Harrisburg, and as soon as the train started he got off on the other side—or he did not go very far—and he got work there. He worked for a little while and he came down to Grayson; that is down here about 6 miles, and he is working for a man he had worked there for before while under the school. We think that is very unjust on the part of Mr. Friedman to make that boy sacrifice what might be his life's work.

Senator LANE. Where is his home?

Mr. CHASE. South Dakota.

The CHAIRMAN. What are the personal habits of Yuda and Schweigman?

Mr. CHASE. Well, personal habits—there is nothing disgraceful in their habits that I know of. I do not think either of them drink, but I know Yuda smokes, and like that.

The CHAIRMAN. How old is Yuda?

Mr. CHASE. I could not say how old he is; probably 22 or 23.

The CHAIRMAN. How old is Schweigman?

Mr. CHASE. About 20.

The CHAIRMAN. Go ahead.

Mr. CHASE. Mr. Schweigman came back here, intending to learn something about his trade, and at the same time he might have planned that for his life's work, to be a painter, or something, because I know he was not very far advanced in books. To send him away that way, it might mean that he would give it up or change the boy's whole life.

I have another one. Harrison Smith—

Senator LANE. Where is he from?

Mr. CHASE. From West De Pere, Wis. Harrison Smith went home when the home party went last year—the 1913 home party. And in this hall Mr. Friedman called the boys that were going home together to give them a little talk before they left the institution. He got them up here and got to talking to them, and he says, "Harrison Smith," he says, "Mr. Smith, you have been disloyal to this school. Now you are going home. I don't care what becomes of you. I don't care even to say good-bye to you. You may be excused." And this boy is a graduate, and is one of the most influential boys in our Y. M. C. A., and is one of the most thought of boys.

The CHAIRMAN. Did you hear him when he said that?

Mr. CHASE. No, sir.

The CHAIRMAN. How did you know he said it?

Mr. CHASE. I heard several of the boys that were in the room.

The CHAIRMAN. Is there any one here?

Mr. CHASE. Yes, sir. So Harrison Smith took his hat and he left the room. It certainly must be he was a good boy, or else Mr. Friedman was doing wrong in giving a diploma to a boy that did not deserve it.

The CHAIRMAN. Are there other cases of wrongful expulsion?

Mr. CHASE. Philip Cornelius; he is an Oneida from Wisconsin. He went to Chambersburg, Pa., under the outing system, and worked

as a carpenter there. His time was up and he wanted to get a release. Now, he told me this—Philip told me. I went home with him on the 25th of June last. I went home last summer and I rode with him to Chicago. He told me that he went to Chambersburg and was working as a carpenter, and he came back here and wanted to get his release and go back to Chambersburg and make his own livelihood. Now, as it is, Mr. Friedman does not want them to do that. He don't want them to be in this part of this country unless they are under the school rules. Mr. Friedman called him up to the office. They had a little talk and they put him in the guardhouse. He was also a leader in our Y. M. C. A. and the captain of Troop C, and one of the best boys in our quarters.

The CHAIRMAN. Do you know why he was put in the guardhouse? Why did they claim he was put in the guardhouse?

Mr. CHASE. As I understand, he was going to go back on his own hook, going back to Chambersburg, and they just kept him in the guardhouse for three or four days, and then shipped him home—let him go home.

————— is a young lady. I don't know whether to leave that to the women or not.

The CHAIRMAN. If you know anything about it you can state it.

Mr. CHASE. January 14, 1914, ————— was expelled. Some-time ago one of the societies gave a reception. She did not go. I am not sure whether she went or not, but the next day the matron she complained about being tired to the girls, and she had been going around the rooms and jerking the girls out of bed, and one thing and another. They go to sleep with the other girls, of course, when they are alone. It is natural for the girls to be afraid. So she shook up the girls. ————— was an officer in one of the troops. She stepped out of the troop, and she said, "Miss Ridenour, if you were in the room where you belong you would not be tired." Miss Ridenour said, "Well, there is some officers here that are not fit to be officers." So ————— she stepped into ranks, and later on she went back to her place as an officer.

In the meantime, on New Year's Day, I think it was, the girls wanted to go skating. They have been rather strict about letting the boys and girls talk to each other. The girls wanted to go skating, and it seemed as though ————— was a kind of leader, and they wanted to get up a petition to see whether they could go skating. I am not sure whether they went or not; I was not here at the time.

Finally one morning she was going to the schoolroom, on January 14. She was going to school with the girls, and she saw the matron standing at the bottom of the stairs. The matron said, "—————, I want to see you." She said, "I have waited long enough, —————, for an apology." She wanted the girl to apologize to her for her actions. ————— said she would not apologize. She said, "I have waited long enough for this apology, and Mr. Friedman and I have decided to send you home." ————— said, "All right." So one of the matrons—there is three matrons in the girls' quarters—one of the matrons went up with ————— to pack her trunk, and stood at the door. When she was ready they brought her downstairs and kept her in the office and did not allow her to see anyone before she went home. They kept her in the office and pulled down the curtains, and would not even let her look out.

The CHAIRMAN. What reason was assigned for sending her home?

Mr. CHASE. On the official reports that were made by the matron—and, of course, she must have authority from the superintendent—they had her registered, "Sent home as a graduate."

The CHAIRMAN. As a graduate?

Mr. CHASE. Graduated, and sent home. At this time she was going to the business department. She was a graduate here of last year's class. She was going to the business department and trying to learn something so she could do something for herself in the world. The business students took it up.

Two or three of the young men in there went to Mr. Friedman and asked him why he sent —— home. Well, he told them some little story, and he said, "Well, she is a graduate." If that applies to her it will apply to more of them in there because the school rules are that no one shall go to that business school unless they can pass the senior examinations.

Senator LANE. All you know about this case is hearsay, isn't it?

Mr. CHASE. Yes, sir. One of the young men is here that took the petition to Mr. Friedman.

The CHAIRMAN. I wish, Mr. Chase, when you make a statement of matters that are within your personal knowledge and observation you would say so, and when you are referring to matters that you have no personal knowledge of, I wish you would mention that. And it is best to let those who have personal knowledge of matters to testify to them, because you may be misinformed, you know.

Go ahead and make any further statement. You wish to testify about the other complaints?

Mr. CHASE. I want to say something else about this expulsion. I know for a fact that Mr. Friedman has practically expelled these students, and a great many of them who have been expelled have been registered "home on leave," "failed to return," or "dropped." Now, if they are expelled they ought to put it on there "expelled."

The CHAIRMAN. Do you mean to say that he makes a fraudulent and false record?

Mr. CHASE. Yes, sir.

The CHAIRMAN. That is an important statement, Mr. Chase, and I would like to know what specific proof you have of that statement. What pupils have been actually expelled and sent home from the school that were marked on the record, by his or anyone else's direction in the school, as having been dropped or failed to return, or anything of that sort, other than the mere statement?

Mr. CHASE. James Baker was expelled. On the report he is "home on leave; failed to return." Baker was expelled outright. He gave him about three or four hours to get away from the grounds.

Senator LANE. How long ago was that?

Mr. CHASE. I forget how long that has been. It must have been 15 months; a year ago, at least.

Representative STEPHENS. Where was he from?

Mr. CHASE. North Dakota.

The CHAIRMAN. Do you know what he was expelled for?

Mr. CHASE. Yes, sir.

The CHAIRMAN. What was it?

Mr. CHASE. He had written to his agent for money, as I understand it. Now, I am not certain about this, but this is the story that

came to me. He wrote to his agent for money, and his agent ignored his letter, and he wrote a letter, which is businesslike. At the same time it was impudent. The agent wrote to Mr. Friedman about this, and Mr. Friedman called him up there; and James, although he was not a voter or anything, he believed in socialism.

Representative STEPHENS. How old was he?

Mr. CHASE. I could not swear to his age; about 20, I suppose.

The CHAIRMAN. Go ahead.

Mr. CHASE. He was expelled. He says, "We don't want any such student as that here." So James got ready and he went home. He had him marked, "Time out; failed to return."

Philip Cornelius was expelled and they had him marked, "Time out." Louis Schweigman was marked "Dropped," although he was practically expelled.

The CHAIRMAN. You are speaking about their being marked on the record falsely or erroneously. What record do you refer to?

Mr. CHASE. Why, the quarterly reports that are made out in the principal teacher's office; the reports that are sent from the quarters. That is, when anyone leaves or comes to this school a report is sent from the quarters—girls' quarters, large boys', or small boys'.

The CHAIRMAN. Sent where?

Mr. CHASE. To the principal teacher's office. This report, I should think, would come from Friedman, telling whether they went home or on leave or what.

The CHAIRMAN. Who keeps that record?

Mr. CHASE. I do not know whether there is two of them or not, but he is on that record.

The CHAIRMAN. Who keeps it?

Mr. CHASE. Mr. Whitwell, the principal teacher.

Representative CARTER. Who makes the record?

Mr. CHASE. The principal teacher, and he has two stenographers there.

Representative CARTER. Does he make the entry himself?

Mr. CHASE. No, sir.

Representative CARTER. Who makes the entry?

Mr. CHASE. I do not quite understand.

Representative CARTER. You say the principal teacher gets the report. Who does it come from?

Mr. CHASE. It comes from the quarters to him and then to Mr. Friedman.

Representative CARTER. From what quarters?

Mr. CHASE. Any quarters—large or small boys or girls.

Representative CARTER. Who does make it out?

Mr. CHASE. The disciplinarian.

Senator LANE. The report would naturally be the superintendent's. It would not make any difference who made the entry.

The CHAIRMAN. If he specifically directed it to be done it would make a difference, you know, as to the moral turpitude of it.

You do not know of your own knowledge of any circumstances in which the superintendent personally directed these false entries to be made?

Mr. CHASE. Not personally.

Senator LANE. That report becomes an official matter of record here?

Mr. CHASE. Yes, sir.

Senator LANE. On the roster?

Mr. CHASE. On the quarterly reports. I am not sure whether the quarterly report is sent to Washington or not. I know they make out a report which is called quarterly.

The CHAIRMAN. As a matter of fact, it is sent to the Indian Bureau, isn't it?

Senator LANE. It must be, yes.

Mr. CHASE. Harrison Smith, June 16, 1913. He was officially reported a graduate, but he is practically expelled, because Mr. Friedman said he did not care to say good by to him or anything; he just sent him away.

Senator LANE. He had his diploma?

Mr. CHASE. Yes, sir: Mr. Friedman signed his diploma.

The CHAIRMAN. He is the one that you say was called into this room and lectured by Mr. Friedman?

Mr. CHASE. Yes, sir.

The CHAIRMAN. And told he had been disloyal to the school all the way through?

Mr. CHASE. Yes, sir.

The CHAIRMAN. And yet he permitted him to graduate?

Mr. CHASE. Yes, sir.

I want to say something about Yuda. Yuda had gone to town after Mr. Friedman told him to leave the town; this is the statement which was made by Mr. Yuda. He told me this morning. He runs a little store over here. He told me that when he was expelled he went home. His home is in New Jersey some place, or New York——

The CHAIRMAN. Mr. Yuda is going to be here, and he can make that statement. Is there anything further?

Mr. CHASE. That is about all I have on expulsion.

The CHAIRMAN. All right; go ahead on your next subject.

Mr. CHASE. Expulsion is my subject. Each one has a subject.

The CHAIRMAN. Just a minute. How long have you been in the school?

Mr. CHASE. I came here on the 15th of October, 1911.

The CHAIRMAN. What class are you in now?

Mr. CHASE. Junior. I graduate with the class of 1915.

The CHAIRMAN. Have you ever had any personal difference with Supt. Friedman?

Mr. CHASE. No, sir.

The CHAIRMAN. Have you ever been disciplined for any alleged misconduct since you have been in the school?

Mr. CHASE. Yes, sir.

The CHAIRMAN. Was it serious?

Mr. CHASE. No, sir.

The CHAIRMAN. Have you any personal animosity toward Mr. Friedman?

Mr. CHASE. I do not quite understand.

The CHAIRMAN. Have you any personal animosity toward Mr. Friedman? Any hatred of him?

Mr. CHASE. Not personally.

The CHAIRMAN. How does the student body regard Mr. Friedman, as a whole?

Mr. CHASE. The student body as a whole don't think very much of him. He is a man that is not true to his word.

The CHAIRMAN. Is that the way he is regarded?

Mr. CHASE. Yes, sir; by the students.

The CHAIRMAN. Do you know anything about the discipline generally in the school on account of the lack of respect for Mr. Friedman? Does that tend to create bad discipline in the school?

Mr. CHASE. Yes, sir.

The CHAIRMAN. Have you seen instances of insubordination among the pupils displayed toward Mr. Friedman?

Mr. CHASE. Yes, sir.

The CHAIRMAN. Will you tell us about when and what they were?

Mr. CHASE. One night he made an inspection of the large boys' quarters. He said he came through to see how conditions were in the rooms, but the boys seemed to think there was some other reason, because that was the time about New Years, when the boys—it seemed like they were on a strike. He came through, and he said he wanted to see how the conditions were in the large boys' quarters, and consequently somebody turned off the lights, and they threw shoes at him, and one thing and another, and that is the way it will be until something changes.

The CHAIRMAN. Is that feeling general among the pupils?

Mr. CHASE. Yes, sir; among the boys especially. I don't know about the girls. They jeer—they used to, and they do yet, but not nearly as much.

The CHAIRMAN. What do they say?

Mr. CHASE. "Who let him out?" and one thing and another like that.

The CHAIRMAN. Do they call him any names?

Mr. CHASE. I could not say any names, only "The old Jew" and "Damned Jew."

The CHAIRMAN. Do they call him that publicly?

Mr. CHASE. Yes, sir.

The CHAIRMAN. And in his hearing?

Mr. CHASE. Yes, sir; they called him that when he was in the large boys' quarters. The report comes to me that after he made the inspection of the large boys' quarters he went to the girls' quarters and had the girls at assembly, and told them he found a young man over there in bed with his clothes on in bed. That is the report—

The CHAIRMAN. You mean, found a boy in the girls' bed?

Mr. CHASE. No; found the boys in their building in bed with their clothes on.

The CHAIRMAN. That is about what would happen if they were up after hours, isn't it? They would just about be scooting off to bed with their clothes on?

Mr. CHASE. Yes, sir.

The CHAIRMAN. Have you participated in these acts of insubordination toward the superintendent?

Mr. CHASE. I did at one time.

The CHAIRMAN. When was that, Mr. Chase?

Mr. CHASE. Probably a month and a half ago.

The CHAIRMAN. What occasion was that?

Mr. CHASE. I was alone with another boy. Andrew Condon was the boy's name.

Representative STEPHENS. What did you do?

Mr. CHASE. I ring the bell at 4 o'clock. I was coming from the dining room and was out on the porch. I do not know what tempted me to do it, but I took a pasteboard box, and I stood up on the third floor porch, and I let it sail like that, and it hit him in the back.

The CHAIRMAN. You don't think you were doing right then?

Mr. CHASE. I don't know—

The CHAIRMAN. I want to make this statement right here, that the Government and this commission in calling you before us is in no sense to approve or give countenance to the insubordination which we believe, from your statements and other information in our possession, has become quite general in this institution. This investigation is being conducted for the good of this institution, for the benefit of the pupils, and for the school in general, and not for the purpose of wreaking vengeance on anyone who happens to have become the victim of the contempt or disrespect of the pupils in school. We are here to get information and facts, and to do what we can to improve conditions. But the students in this school must not get the idea that Congress, or this commission of Congress, regards them as wholly blameless for this widespread insubordination. It is simply a question with us as to what is going on and why, and what is the best remedy for it.

Now, have you any further statement to make about that that was not made?

Mr. CHASE. No, sir.

The CHAIRMAN. It was stated in the beginning that this committee represents the student body. How many students were in that meeting that selected this committee?

Mr. CHASE. I should say 200. I could not say just how many large boys there are; but there were 225, I should judge. This hall was full; that is, of male students.

The CHAIRMAN. Do you know anything about whether there is much drinking among the boys or not?

Mr. CHASE. Yes, sir; there is.

The CHAIRMAN. Do many of them become intoxicated at times?

Mr. CHASE. Yes, sir.

The CHAIRMAN. What efforts are made by the management of the school to stop that, and how do they handle that, Mr. Chase?

Mr. CHASE. I do not know only one time that they tried to put a stop to it. They had an assistant quartermaster here and some policemen that were working, and they tried to play detective. They took a bunch of boys down town and gave them a dollar a piece, and told them to go and buy some whisky. That was by Mr. Friedman's orders I presume. They told the cops not to bother them, but the cops did not want to see anybody get in trouble, and they went around and told the saloonkeepers to be wise.

The CHAIRMAN. Do the saloon keepers sell the Indian boys liquor ordinarily? Is that the way they get it?

Mr. CHASE. No, sir.

The CHAIRMAN. Where do they get the liquor?

Mr. CHASE. They have bootleggers mostly.

The CHAIRMAN. Is there a feeling of sympathy among the student body for that kind of business? Do the students generally connive at it?

Mr. CHASE. They have tried to put a stop to it.

The CHAIRMAN. Have you any organization among the young men looking toward trying to stop that?

Mr. CHASE. No, sir.

The CHAIRMAN. Of course, I suppose, drunkenness or excessive drinking, or drinking at all, encourages disorder and lack of discipline?

Mr. CHASE. Yes, sir.

The CHAIRMAN. Just as much as anything can. Do you blame the superintendent for this drinking—the frequency of it among the pupils?

Mr. CHASE. Now, I could not hardly answer that.

Representative CARTER. Mr. Chase, this young man, Montreville Yuda—did you say he was expelled?

Mr. CHASE. Yes, sir.

Representative CARTER. He was expelled for being down town at nights, was he?

Mr. CHASE. Yes, sir; and Mr. Friedman knew that he was a boy that was influential among the other boys.

Representative CARTER. Can you tell the committee what he did when he went down town?

Mr. CHASE. Why, Mr. Dietz and Mr. Denny, they originated the charges that he had been staying at undesirable places in the city of Carlisle.

The CHAIRMAN. Was that true?

Mr. CHASE. I am sure that I could not swear to that, but his statement is that it is not true. He told me this, that he had his night watches, his section officers, and his troop officers that could prove that he was there.

Representative CARTER. But he did stay out from the institution some nights during the week?

Mr. CHASE. Yes, sir.

Representative CARTER. About two, you said?

Mr. CHASE. Probably two.

Representative CARTER. Does your student body approve of him doing that?

Mr. CHASE. They did not know it at the time.

Representative CARTER. Would they approve of it?

Mr. CHASE. No, they would not; no, sir.

Representative CARTER. Would not your student body think it would be for the best interests of the institution if he were disciplined for breaking the rules in that manner?

Mr. CHASE. Your honor, I think there is other things to resort to besides expulsion. I think that is the last thing to do.

Representative CARTER. Was he ever given notice about it before he was disciplined?

Mr. CHASE. No, sir.

Representative CARTER. But he had violated the rules and was expelled?

Mr. CHASE. Yes, sir.

Representative CARTER. What tribe do you belong to?

Mr. CHASE. Omaha, of Nebraska.

TESTIMONY OF JOHN GIBSON, STUDENT.

The CHAIRMAN. You were sworn?

Mr. GIBSON. Yes, sir.

Senator LANE. Where is your home?

Mr. GIBSON. In Arizona.

Senator LANE. What tribe do you belong to?

Mr. GIBSON. Pima.

The CHAIRMAN. You may proceed and make your statement.

Mr. GIBSON. I have for my subject the misrepresentation of the school through the different papers, to the authorities in Washington, and to the public. I have found that through the school catalogue, which is published in—there is one catalogue which is published in about 1906, and it is circulated among the students out on the reservations from the office here, and up till 1912 they had no other new catalogue, but the circulation of the old catalogue has done much toward bringing students to this school. They have those different things which I do not think existed at that time, and in the 1912 catalogue there are certain things that were put in that catalogue that were connected with this school, but are now out of existence.

The CHAIRMAN. Tell us what they are.

Mr. GIBSON. One thing is the harness shop, which has been abolished.

The CHAIRMAN. When was that abolished?

Mr. GIBSON. I have no idea when it was abolished. It was out of existence when I came, a little over two years ago.

The CHAIRMAN. Is that in the catalogue?

Mr. GIBSON. Yes, sir.

The CHAIRMAN. Does it appear to be a part of the school yet?

Mr. GIBSON. Yes, sir.

The CHAIRMAN. Published in 1912?

Mr. GIBSON. Yes, sir.

The CHAIRMAN. Go ahead.

Mr. GIBSON. Then, another thing is the telegraphy department. Well, the telegraphy was in existence up to a year or so ago. That is all right. They had the telegraphy department—I mean the school catalogue was published when the telegraphy department was here.

The CHAIRMAN. It was all right to publish it, then?

Mr. GIBSON. Yes. Then there are articles in the catalogue which state that the pupils, the young men and young women who should attend this school, must be from the age of 14 years old and under 20, which means they should come here between those two ages. And yet to-day you can see boys here under that age, not even 10. You can see boys here, and girls too.

The CHAIRMAN. Are there any here over 20?

Mr. GIBSON. Yes, sir; there are lots of them here over 20.

The CHAIRMAN. You have stated that that relates to the time of their coming here?

Mr. GIBSON. Yes, sir. Of course. I know that common sense would tell us that any student who has lots of brain, you call it, and can go to school at a very early age and acquire an education, they would admit him to the departmental grades here. Of course, this is due to the public schools within a short distance of their homes. And in this catalogue I notice that they call a special student—they

admit the students here for two years. They are supposed to have taken academic courses here, taken the senior examinations and passed ready to enter the two-year term to take the business course and the telegraphy.

The CHAIRMAN. Are there many cases where that is not conformed to, and those who have not taken the senior examinations are admitted to that course?

Mr. GIBSON. I could not say; I could not tell you that. But there are pupils here that have come and taken the examinations and passed.

Next, I want to refer you to the trades. I spoke of the harness shop being abolished, and the telegraphy department is abolished. There are several connections to the telegraphy department which I will bring in later. Photography has also been abolished. There has been a general complaint among the boys in regard to a carpenter shop here—the inefficiency of the carpenter shop and the management of it. They say they do not learn enough here, and as a result most of them go away disappointed, and yet some of them come here just for the purpose of learning the trade. Sometimes they run away or go back. Of course, I can not recall any of them that ran away just on account of that, but I have heard complaints of the management of the shop.

Next are the farms. We have two farms and they both together range somewhere in the neighborhood of 311 acres, and it is advertised that agriculture is carried on extensively. Of course, it is; but again in the catalogue, agriculture, dairying, hog raising, and poultry culture are advertised, and I see by their reports that are being printed now over in the printing shop it brings the net proceeds of \$7,283. And there have been recorded on the report of the first farm and the second farm—that is the way they are distinguished—the report is that so many eggs are produced. And yet where those eggs go to we have no knowledge of.

Senator LANE. You don't see them around on your breakfast table?

Mr. GIBSON. No, sir.

The CHAIRMAN. Do you mean by that that there are no eggs produced on the farm?

Mr. GIBSON. No, sir; I don't know about that; I won't say that is a fact. What I am getting at is that we don't get them.

Senator LANE. They never get any to eat. I suppose they are not edible eggs.

The CHAIRMAN. Do you get any pork from the farms?

Mr. GIBSON. No, sir; very seldom.

The CHAIRMAN. Do you get milk from the farms?

Mr. GIBSON. No, sir. Where we get the food I don't know. Not to my knowledge.

The CHAIRMAN. Have you ever had a teacher of agriculture here?

Mr. GIBSON. Do you mean as a part of the study?

The CHAIRMAN. Yes.

Mr. GIBSON. No, sir.

The CHAIRMAN. Was that abolished?

Mr. GIBSON. I have no knowledge of any such establishment.

It is stated in one of the catalogues that pupils are brought here and whenever they show enough knowledge and training along a

certain line or occupation here they are allowed to go out and work at their different trades. I just want to refer you to a few instances which conflicts with those. Now, there were two telegraph departments. There were several operators gone out from the telegraphy department and took positions, and there was some made good, and yet a year last spring there were two telegraph operators, one in the Postal Telegraph and one in the Western Union down town—this was last spring. I don't know whether there is something the matter the administration, but these two operators went in right at the time they were making good and those operators down town needed them the worst—that is, when they were getting on sending and receiving messages—and they were taken out of the telegraph offices and brought back to the school. An explanation has been asked by these two operators, but no definite explanation can be given.

There is one boy that came here just for the purpose of learning telegraphy. This was a boy in the Western Union office. When he was taken out of there he was sorely disappointed, and he told Mr. Friedman he was going home if he was treated that way. Well, the operator in the Western Union office down town got him a position at Trenton, N. J., and he went there—I think he told me that he went there as assistant manager, and yet he had not had sufficient training here to take him that far. He done the best he could, but he said he could pretty nearly come up to the standard of good operators, but not quite. So he was obliged to leave and go home.

Now, another person that was taken out of a trade was one of the boys that is here now. He is an automobile machinist. He is down town working in the garage. Right at the time he was learning to be a machinist to prepare himself to go out in the world he was taken out in a similar case. He was taken out, and he is here at the school now, and a definite explanation has been asked for and he has not received it yet.

I don't know what has been wrong, but last spring—I for myself have gone down town in hopes I could get a start in my trade and have been turned down likewise. I tried to help out the outing office by getting myself my own position.

The CHAIRMAN. What is your trade?

Mr. GIBSON. Printing. I went out to Mount Holly, Pa., and got a position there, and notified the outing office to get permission to go out to that position, and I was denied on the ground that there was no boys to be allowed around Carlisle and the vicinity in these towns. I don't know why.

Again, I went down to Harrisburg and I got me a place in the Harrisburg Telegraph, and there I was denied again, and yet there were boys working at that time—when I applied for the positions these boys were down town working as mechanics and some down at Harrisburg. I don't see any reason why I should not go down there.

Representative STEPHENS. Who denied you that right?

Mr. GIBSON. Mr. Friedman.

Representative STEPHENS. He denied you the right to work there?

Mr. GIBSON. Yes, sir.

Representative STEPHENS. And gave no reason for it?

Mr. GIBSON. No reason whatever.

Now, I want to refer you about this Y. M. C. A. As a charter member of the Y. M. C. A. I have taken a great deal of pride in this asso-

ciation, and two years ago we had a resident general secretary here, Dr. James W. W. Walker, from Philadelphia. We had our Y. M. C. A. flourishing, and it was a good organization, about one of the best organizations that was ever connected with this school; and he was training missionaries and field secretaries, and doing all of that, and and yet Mr. Friedman, just because he would not—of course, I don't know definitely what the trouble was, but he was discharged, and the Y. M. C. A. dissolved—practically dissolved. And we had a paper in the interest of the Y. M. C. A. published—published down town and edited by the students—and this was discontinued. For the religious part of it—why, I don't see anything in that, but I don't think that ought to be done.

The CHAIRMAN. How many members did the Y. M. C. A. have when it was flourishing?

Mr. GIBSON. We had 275 members.

The CHAIRMAN. What was it accomplishing? What was it doing?

Mr. GIBSON. Dr. Walker had a class for field secretaries, training them for field secretaries to go out to their homes, and one boy went.

The CHAIRMAN. Is it a moral force, a good moral force in the school?

Mr. GIBSON. Yes, sir.

The CHAIRMAN. And there is now no Y. M. C. A. to speak of?

Mr. GIBSON. No, sir. - Why, there is a few boys get together, and we are trying to establish some kind of a Y. M. C. A., but we can not. There are very few in attendance each evening.

Representative STEPHENS. Have you any leader? Have you anyone to take the place of the man who was discharged?

Mr. GIBSON. Mr. Friedman has taken that into his hands, and he has appointed whoever he pleased. He has appointed Mr. Mann, our mathematics teacher, and he has relieved him about two weeks, and he has appointed the clerk, Mr. Morris.

Representative STEPHENS. Was that Y. M. C. A. a force for good among the boys, you say?

Mr. GIBSON. Yes, sir.

Representative STEPHENS. What stand did the Y. M. C. A. take with reference to the sale of liquor among the boys? Did they endeavor to prevent that?

Mr. GIBSON. Yes, sir. They had just taken steps. It was a young organization—not quite a year.

Representative STEPHENS. Did they discountenance the drinking of whisky and bootlegging?

Mr. GIBSON. Yes, sir.

Representative STEPHENS. Did this man who was discharged teach the boys that it was wrong to drink whisky and to bootleg?

Mr. GIBSON. Why, he would sometimes take the boys and talk to them, and he had a great deal of influence among the boys, such influence that they would listen to him whenever he was talking to them.

The CHAIRMAN. How do the pupils generally regard Mr. Friedman? Do they respect him?

Mr. GIBSON. In a certain way, they do. On account of his authority they do respect him, but as a whole they do not regard him as a man of authority.

The CHAIRMAN. Do you know why that is true?

Mr. GIBSON. I could not say definitely why.

The CHAIRMAN. Do the students generally recognize the necessity for discipline and for authority in the management of the school? They understand that, do they?

Mr. GIBSON. Yes, sir.

The CHAIRMAN. Now, do you know why it is that he seems to have lost the influence that he should have here, if he ever had any?

Mr. GIBSON. It is all on account of his management of the school, I guess. I do not know just how to put it.

Representative STEPHENS. Have you heard them jeer him and names called when he was passing by?

Mr. GIBSON. Yes, sir.

Representative STEPHENS. How often?

Mr. GIBSON. Whenever they would see him.

Senator LANE. Did you ever call him any?

Mr. GIBSON. I have, frequently.

Senator LANE. What did you call him?

Mr. GIBSON. I called him "Jew;" that is about all.

Senator LANE. Are you the man that called him a "damned Jew"?

Mr. GIBSON. No, sir; I was not.

The CHAIRMAN. Is there any estrangement among the pupils generally and Mr. Friedman? Do the pupils generally dislike Mr. Friedman?

Mr. GIBSON. Yes, sir.

Senator LANE. What did you have for dinner to-night?

Representative STEPHENS. Yes; give us the bill of fare.

Senator LANE. What was the bill of fare? Soup——

Mr. GIBSON. Sirup.

Senator LANE. Soup?

Mr. GIBSON. We didn't have any.

Senator LANE. What did you have for dinner?

Mr. GIBSON. I forget what we had. Sirup and tea, and prunes——

Senator LANE. Sirup, tea, and prunes——

Mr. GIBSON. Bread.

Senator LANE. Butter?

Mr. GIBSON. No, sir.

Senator LANE. Potatoes?

Mr. GIBSON. No, sir.

Senator LANE. Nothing but sirup?

The CHAIRMAN. Did you have any meat?

Mr. GIBSON. No, sir; we didn't have any meat.

Senator LANE. Hold on; let me get that down. Sirup, tea, prunes, and bread?

Mr. GIBSON. Yes, sir.

Representative STEPHENS. Any kind of gravy?

Senator LANE. Did you have gravy?

A PUPIL. Yes; a meat stew, made in a kind of broth.

Senator LANE. Beef stew, was it?

A PUPIL. Yes.

Senator LANE. Any vegetables in it?

A PUPIL. No, sir.

Senator LANE. What did you have for breakfast this morning? Your memory is not good for your meals?

Mr. GIBSON. No, sir.

Senator LANE. How many prunes did you have for your ration?

Mr. GIBSON. I don't remember.

The CHAIRMAN. Is there complaint here about the food that is served?

Mr. GIBSON. Yes, sir.

The CHAIRMAN. Has it improved recently?

Mr. GIBSON. It has improved since Mr. Linnen was here.

The CHAIRMAN. Much?

Mr. GIBSON. Yes, sir; immensely.

The CHAIRMAN. It is better since Inspector Linnen came than it was before?

Mr. GIBSON. Yes, sir.

The CHAIRMAN. What is the difference between what it is now and what it was before he came?

Mr. GIBSON. There is another man here can give that.

TESTIMONY OF ALVIS MARTIN, STUDENT.

The witness was reminded that he had been sworn.

The CHAIRMAN. Where are you from?

Mr. MARTIN. Wisconsin.

The CHAIRMAN. Now, Mr. Martin, you may go ahead.

Mr. MARTIN. One of the reasons for the discontent in this school is that insufficient amount of food; that is, for us to eat at the meals. Bread is the main food which we are continually clamoring for. During the football season I ate on the training table so I do not know what the students' fare was, but I heard some of them remark they must have been saving up for Thanksgiving. On Thanksgiving day we get a feast, and on Christmas day. They must have been getting poor food then, because they said they must have been saving up for Thanksgiving so they could afford to give us a great deal. Immediately after Thanksgiving I heard that again. About this time the training table was dropped, and I went on the regular tables with the students, and bread—every other day we would have to cry for bread in the hall. It is a regular uproar the way the boys yell sometimes, but no bread is given them. It is in the bakery, it is in the shelves, sometimes in the kitchen, but none is there for the students.

The CHAIRMAN. Let me understand you. You mean the supply of bread for the tables was so short that they made an outcry in the dining room?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. Regularly?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. And that after the outcry was made they were unable to secure sufficient bread?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. Go ahead.

Mr. MARTIN. There was no extra meat—not very much. On some tables nothing but a bone, and when 10 men get there there is nothing to eat, and they try to send in for more, and there is no meat.

Senator LANE. Hold on. What do you have for breakfast ordinarily? What is the ration for breakfast? Coffee?

Mr. MARTIN. Coffee.

Senator LANE. What else?

Mr. MARTIN. Oatmeal.

Senator LANE. Good oatmeal?

Mr. MARTIN. Well, there is no sugar. It does not taste bitter, but there is no milk—

Senator LANE. You have sirup for breakfast?

Mr. MARTIN. No, sir.

Senator LANE. What else for breakfast?

Mr. MARTIN. Gravy.

Senator LANE. Meat gravy?

Mr. MARTIN. No, sir; just gravy—

Senator LANE. What meat do you have for breakfast?

Mr. MARTIN. Tough meat.

Senator LANE. I know; but how is it cooked?

Mr. MARTIN. I don't know how it is cooked.

Senator LANE. You know the difference between roast meat and fried meat?

Mr. MARTIN. Roast.

Senator LANE. Roast beef for breakfast? What else do you have? Prunes?

Mr. MARTIN. No, sir; no prunes.

Senator LANE. Bread and butter?

Mr. MARTIN. No, sir; no butter.

Senator LANE. How often do you have butter?

Mr. MARTIN. Once a week. We had it here when Mr. Linnen came, however.

Senator LANE. Now, what do you have for lunch, ordinarily?

Mr. MARTIN. Before Mr. Linnen came we had meat.

Senator LANE. What do you call that, lunch or dinner?

SEVERAL BOYS. Dinner.

Senator LANE. Now, what do you have for dinner—meat?

Mr. MARTIN. Gravy, bread, water—

Senator LANE. I mean to eat. Butter?

Mr. MARTIN. No, sir.

Senator LANE. Potatoes?

Mr. MARTIN. Once in a while, for breakfast, we have sirup.

Senator LANE. I am talking about dinner—the noon meal.

Mr. MARTIN. That is on Sunday dinner.

Senator LANE. I mean on week days.

Mr. MARTIN. Once in a while. There is nothing in the gravy.

Senator LANE. Coffee or tea?

Mr. MARTIN. No, sir; just water.

Senator LANE. Any fruit of any kind?

Mr. MARTIN. No, sir; no fruit. Before Mr. Linnen came, if we did not have beans we had rice.

Senator LANE. Rice?

Mr. MARTIN. Rice, or else peas.

Senator LANE. At night what do you get?

Mr. MARTIN. Tea, gravy, bread—sometimes that gravy is a kind of broth.

Senator LANE. What else?

Mr. MARTIN. Once a week we get ginger cake.

Senator LANE. Sirup at all times on the table?

Mr. MARTIN. We always used to get two pitchers of sirup until a couple of months ago, but now only one once a week.

Senator LANE. That is, two pitchers apiece?

Mr. MARTIN. One pitcher on the table.

Senator LANE. How much does it hold?

Mr. MARTIN. One of those little pitchers.

Senator LANE. How many students to a table?

Mr. MARTIN. Ten.

The CHAIRMAN. How long is that supposed to last?

Mr. MARTIN. Through the meal.

The CHAIRMAN. How many times a week?

Mr. MARTIN. I think we get sirup once.

The CHAIRMAN. Is it a fact that students have been compelled to leave their meals hungry?

Mr. MARTIN. Yes, sir. And then they go to the store in town. There is a back store down here.

The CHAIRMAN. The conditions, however, have improved since Inspector Linnen came?

Mr. MARTIN. Yes, sir. There are always two dishes of prunes.

The CHAIRMAN. You get all the gravy you want, I believe?

Mr. MARTIN. No, sir; not all we want. We did a year or so ago, but lately we hardly ever get the second dish.

The CHAIRMAN. You were on the football team?

Mr. MARTIN. On the scrubs.

The CHAIRMAN. They put you on a diet?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. You were supposed to get food especially prepared, I presume?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. Is there a sufficiency of knives and forks and tea-cups, and things of that sort?

Mr. MARTIN. There has not been. Yesterday, I think, Miss Zeamer announced that there was enough.

The CHAIRMAN. How do you get along when you do not have a sufficient number to go around?

Mr. MARTIN. Go from one table to another, if there are any absent. Sometimes we have to go without.

We have no milk, no eggs, no buttermilk—which the farm produces—and cream.

Representative STEPHENS. Do you have sugar?

Mr. MARTIN. It never comes in the form of sugar.

The CHAIRMAN. Do they grow potatoes on this farm?

Mr. MARTIN. Yes, sir. This last year there were 2,330 bushels raised.

The CHAIRMAN. How often do they serve potatoes?

Mr. MARTIN. As a rule they come on Wednesday breakfast and on Sunday dinner. Once in a while there is a couple in the gravy.

The CHAIRMAN. Twice a week, then, potatoes are served?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. How often is meat served? Is there meat served at every meal?

Mr. MARTIN. No; breakfast and dinner. And there is a broth at supper—gravy, and sometimes broth.

The CHAIRMAN. Was there anything else you wanted to speak about, Mr. Martin?

Mr. MARTIN. Pork. This year there were 100 hogs driven to market, and they are raising hogs down here, and we have no pork from that source—no meat of that kind.

The CHAIRMAN. What vegetables are supplied at these meals?

Mr. MARTIN. Black beans; brown beans.

The CHAIRMAN. Don't they serve you turnips, onions, and salads or greens?

Mr. MARTIN. No salads.

Senator LANE. Cabbage?

Mr. MARTIN. Not now.

Senator LANE. In the summer time, in the season when vegetables are growing good, you have plenty of vegetables?

Mr. MARTIN. Yes, sir—I have not been here when they had.

The CHAIRMAN. Do you have milk or sugar for your oatmeal in the morning?

Mr. MARTIN. No, sir.

The CHAIRMAN. Do they serve oatmeal in the morning?

Mr. MARTIN. Yes, sir; every morning except one.

Senator LANE. Have you no sugar for it?

Mr. MARTIN. It does not come in the form of sugar. Sometimes it is a little sweet, and other times it is not.

Senator LANE. It is mixed in the kitchen?

Mr. MARTIN. I don't know; it must be.

The CHAIRMAN. Do the boys sometimes use the same knife and fork, or drink out of the same cup?

Mr. MARTIN. No; they generally go without it if they do not have it.

Representative STEPHENS. Do most of the students who come here come from the district schools on the reservation or from reservation schools?

Mr. MARTIN. Most of them, I think, are from the reservations.

Representative STEPHENS. Did you come from the reservation?

Mr. MARTIN. I lived on it all my life, but when I came here I was not.

Representative STEPHENS. You do not know, then, of your own personal knowledge, whether they came from district schools here to this school?

Mr. MARTIN. No.

Representative CARTER. What degree of blood are you?

Mr. MARTIN. Quarter blood.

Representative STEPHENS. What tribe?

Mr. MARTIN. Chippewa.

TESTIMONY OF LEWIS BRAUN, STUDENT.

The witness was reminded that he had been sworn.

The CHAIRMAN. Where are you from, Mr. Braun?

Mr. BRAUN. South Dakota.

The CHAIRMAN. How long have you been in the Carlisle Institute?

Mr. BRAUN. I came here in September, 1911.

The punishments here in some cases have been brutal. There are a number of small boys who have been hit by the disciplinarian with

his fist, and there is a number of them here yet, and some of them have run away. I have the names. Ira Cloud was hit in the eye, and he has a scar by this eye where the ring on our disciplinarian's finger cut him across the eye.

The CHAIRMAN. What disciplinarian was that?

Mr. BRAUN. The small boys' disciplinarian, Mr. Denny.

Senator LANE. When did this happen?

Mr. BRAUN. Here lately, about two weeks ago. He has the scar yet.

Representative CARTER. Mr. Denny is an Indian himself isn't he?

Mr. BRAUN. Yes, sir.

There was three boys, Eddie Adams, George Morrow, and Paul Black (Spotted Horse) were taken into Mr. Denny's office and whipped with a baseball bat, and one of them the arm was hurt so he had to go up to the hospital.

Senator LANE. Struck him with a baseball bat?

Mr. BRAUN. Yes, sir.

Senator LANE. How old were the boys?

Mr. BRAUN. They were about 16, I guess.

Representative STEPHENS. Which one was it that was hit with the baseball bat?

Mr. BRAUN. I think that was Eddie Adams. George Morrow, one of the boys, is here now.

Then there is two boys, Herbert Bradley and James Kalawat. James Kalawat was punished one time for dropping a rag on top of the floor. That was on Halloween night. Mr. Denny caught him upstairs and hit him and knocked him clear down the first flight of stairs.

The CHAIRMAN. What did he hit him with?

Mr. BRAUN. He hit him with his fist. Milton Brave was hit in the face with his fist. Marion French was hit with his fist, and Edward Woods, a very small boy, was hit with his fist. Milford Henderson, another very small boy, about, I believe, 10 or 12 or 14 years old, was hit in the face with his fist. John Cox and David Crow—

The CHAIRMAN. All those were struck with the fist?

Mr. BRAUN. Yes, sir; the boys that are here. And then some time, two years ago, there was a boy here by the name of Louis Bear was hit over the head by a shinny club.

Mr. Denny was taking the boys in there to punish them—he don't give them any chance to explain. The boys are mocking him most of the time: "What did you do?" "Why did you do that?" And if they say anything, he says, "Shut up," and he hits them.

Some time ago there was two boys stole a violin, who were from the same tribe—the Skindore boys, and they took the violin down town and pawned it. Afterwards the boy that lost the violin found out about it, and Mr. Denny went down town and bought the violin, or got it out of the pawnshop, and gave it back to him, and he put the boys to work about an hour and a half that afternoon and let them go. And the boy whose violin they stole was indignant, and he reported to one of the officers here and asked him for a court-martial, and afterwards when there was a court-martial here for some other boys the other boys refused to be court-martialed unless the Skindore boys were court-martialed, and they took them up to the court-martial. Otherwise they would have gone unpunished.

That is all I have. One of the boys spoke about Sylvia Moon's case. I was one of the boys that went up to Mr. Friedman about that case. When we asked him why she was expelled, first he got mad and gave us a lecture for coming up. Finally he said she was not expelled, that she was sent home as a graduate. Afterwards we wrote to her, and she answered our letter, and she said that when she was sent home she was under guard from here to Harrisburg, and had to pay the fare of the matron to Harrisburg and pay for her meals and pay for her fare to return back to the school.

The CHAIRMAN. What is the general condition of the discipline in the school, Mr. Braun?

Mr. BRAUN. It seems to me as though it is partial. Some of the boys are punished very severely for merely nothing, while others are let go for doing something—

The CHAIRMAN. What is the order in the school?

Mr. BRAUN. It is poor.

The CHAIRMAN. Is it getting better or worse?

Mr. BRAUN. Getting worse.

The CHAIRMAN. How long has it been growing worse, within your knowledge?

Mr. BRAUN. When I first came here the order was fairly good, and there was very few cases where the boys showed any definite disrespect for the people in charge. But here lately it is a very common thing for a boy to holler at the disciplinarian or holler at Mr. Friedman.

The CHAIRMAN. What do they say? Go right ahead and tell it.

Mr. BRAUN. "Who let him out?" One time we were having our picture taken, and Mr. Friedman was there. He had long hair, and the boys were hollering, "Why don't you get a hair cut?" and offering to cut his hair. And they show disrespect to Mr. Denny, who is our disciplinarian over there. He talks broken English. I was talking to most of the boys—I know most of the boys—in their quarters, and I don't know one boy that respects Mr. Denny, and his influence over the boys is very poor.

The CHAIRMAN. Why is that?

Mr. BRAUN. The only reason they have for obeying him is fear of him, and the boys don't seem to have much fear.

The CHAIRMAN. Do they feel any attachment toward Mr. Friedman?

Mr. BRAUN. None of them like Mr. Friedman.

The CHAIRMAN. He is unpopular throughout the school, is he?

Senator LANE. This man Denny, the disciplinarian, did he ever punish you?

Mr. BRAUN. He has reprimanded me, but has never punished me.

The CHAIRMAN. Do you know of anybody else whipping the pupils here?

Mr. BRAUN. I think it was last spring, about a week before we went to Washington—that was some time in the latter part of February—there were four boys in the guardhouse, Charlie Williams, Charles Bellcourt, Robert Nash, and Thomas Nicholas. They were in the guardhouse, I believe, on just cause, for they refused to play in the band. They were band boys. Sunday night at 11 o'clock Mr. Stauffer, the music teacher here, and Mr. Rudy, who was then assistant disciplinarian at the large boys' quarters, and Mr. Dickey, who was the outing agent here and was in charge of the large boys' quarters

as disciplinarian over there, and Mr. Warner, the athletic coach, and Mr. Dietz, who is the art teacher here, went down to the guardhouse and whipped those boys. There is three of them who have gone home, but one is here yet, and I was speaking to him and he said he had scars on him yet.

The CHAIRMAN. What is his name?

Mr. BRAUN. Robert Nash.

The CHAIRMAN. Do you know upon what authority they went and whipped them?

Mr. BRAUN. I do not know, but I do know that Mr. Friedman knew about it afterwards.

Representative STEPHENS. How do you know that?

Mr. BRAUN. Because the boys reported it, and there was quite a stir around.

The CHAIRMAN. Who did the whipping?

Mr. BRAUN. Mr. Dickey.

The CHAIRMAN. Do you know of the bandmaster here whipping a girl pupil?

Mr. BRAUN. Yes, sir; that is, I have heard about it.

The CHAIRMAN. What was that case?

Mr. BRAUN. Julia Hardin. She is here now.

The CHAIRMAN. You do not know of your own personal knowledge?

Mr. BRAUN. No, sir; only what she has told me and what I have heard from the rest.

TESTIMONY OF PETER EASTMAN, STUDENT.

The witness was reminded that he had been sworn.

The CHAIRMAN. What tribe do you belong to?

Mr. EASTMAN. The Sioux.

The CHAIRMAN. How long have you been in the Carlisle Institute?

Mr. EASTMAN. About three years. I came about the same time Mr. Braun did.

The CHAIRMAN. What class are you now in?

Mr. EASTMAN. Attending Conway Hall.

The CHAIRMAN. Go ahead and make your statement.

Mr. EASTMAN. I have a statement on the same subject as Mr. Braun. The first one I know personally about is strapping four boys in the guard house. I am one of the band members. The way it happened, they were supposed to have a reception here, and something came up and they postponed the reception. Instead of that they wanted to have a band concert, and the boys, thinking that Mr. Stauffer was the one that caused them to postpone the reception, because he was the band leader, some of them made up their minds to refuse to play and asked the band members if they would play. Some thought they would, that it was all right, and some said they would not. These four boys were considered leaders. There were three of them; one of them apologized, and the others got punished. They were taken down there and strapped. One of the boy officers, William Garlow, is here, and he knew about this. He had been advertising in the catalogue to have court-martials here. These men went down there illegally. They did not have any court-martial at all. The student body did not know about it at all; it was the officers. I understood Mr. Garlow to state that

Mr. Friedman did not know a thing about it until the next day. They were strapped, and one of the boys especially is a young man who was taken out of the band. He was the best baritone player we had, and he was taken out of the band and they won't let him play.

The CHAIRMAN. Is he here now?

Mr. EASTMAN. No, sir; he is at the hospital.

The CHAIRMAN. Where are the other boys?

Mr. EASTMAN. One is here with us, and the other has gone home.

Senator LANE. When did this happen?

Mr. EASTMAN. This was last spring, just before the band went to Washington.

The CHAIRMAN. What is the general state of discipline and order in the school?

Mr. EASTMAN. It is corrupt. They have no respect for high authorities here at all, especially for Mr. Friedman. I remember instances—the time I think it really started was when they took Mr. Walker out of here. They had an athletic meet out there, and he came in front with somebody and stood up in front and they told him to sit down. They kept hollering “down in front” and he sat down. And an instance that happened here lately was when he was going through quarters. He went through the quarters one night first and the boys never knew it. Of course he waked some boys up and talked to them in the middle of the night. The second time he came up it was one night in December. He came through again and the boys came out and threw shoes at him and called him names.

The CHAIRMAN. Were you in on that?

Mr. EASTMAN. No, sir; I was not.

The CHAIRMAN. You say the insubordination practically began with the dismissal of Mr. Walker, the Y. M. C. A. man?

Mr. EASTMAN. Some of it did.

The CHAIRMAN. The students were attached to Mr. Walker, were they?

Mr. EASTMAN. Yes, sir. He had the interest of the boys at heart. He had his picture taken with the student body here. And he had a little paper for the Y. M. C. A., and they had meetings here. Now you very seldom get any meetings here at all.

The CHAIRMAN. The dismissal of Mr. Walker practically destroyed the Y. M. C. A. influence in the school?

Mr. EASTMAN. Practically destroyed it.

The CHAIRMAN. Do you know why he was let go?

Mr. EASTMAN. No, sir; I have no personal knowledge.

The CHAIRMAN. The boys were attached to him?

Mr. EASTMAN. Yes, sir. In fact, some of the boys wept when he left.

The CHAIRMAN. How long has it been since he left?

Mr. EASTMAN. He left last spring some time. It is almost a year.

The CHAIRMAN. Have you anything further?

Mr. EASTMAN. Well, about the boys throwing shoes at Mr. Friedman. They told him to get out, and “Who let him loose?” and everything. They called him “Christ killer,” and “Pork dodger,” and “Jew.”

About the Y. M. C. A. After the Y. M. C. A. started the boys came back this fall and I was vice president and one of the boys was president, and we tried to do all we could to get them together. We

got a secretary here, Mr. Mann. Personally I have spoken to him quite a bit, but he is no example to the boys at all. He does not speak good English to the boys and the boys have lost all interest.

Representative STEPHENS. What is the trouble with the secretary?

Mr. EASTMAN. He was not the man for that position.

Representative STEPHENS. Why?

Mr. EASTMAN. Well, I don't think he was fit for that position, because I have seen him speaking to boys and talking with them and the English he used was not good.

Senator LANE. Is there much profanity being used on these premises?

Mr. EASTMAN. Yes, sir.

Senator LANE. Is there more or less drinking?

Mr. EASTMAN. Yes, sir; there is some drinking.

Senator LANE. Is it just occasional? There is no regular drinking on the part of anyone?

Mr. EASTMAN. Well, in some instances there is boys that gets drunk almost any time they want it. I have seen instances—I don't really think there is any great step taken in trying to stop this, because anyone that would try could stop it—and being in town I know very well they could stop it, because I myself coming back from school have seen boys in the hotels, and I know very well they got it.

Senator LANE. You are pretty sure of that?

Mr. EASTMAN. Yes, sir; I saw the boys, but not myself.

Senator LANE. This young man says he knows the boys got this whisky at the hotels.

Representative STEPHENS. What hotels?

Mr. EASTMAN. The Thudium House.

Representative STEPHENS. Any other hotel?

Mr. EASTMAN. No; I do not recall any other hotel.

Representative STEPHENS. What boys did you see go in?

Mr. EASTMAN. There is one of the boys, I think, under punishment now.

Representative STEPHENS. What is his name?

Mr. EASTMAN. Peter Wilkie.

Senator LANE. How is he being punished now?

Mr. EASTMAN. I do not know. He was in the guardhouse.

The CHAIRMAN. Do they keep a watchman about the grounds here, or make any effort to find out when the boys come in drinking?

Mr. EASTMAN. Not that I know of. They have a night watchman here that is just a student watchman.

The CHAIRMAN. You have no organization within the student body that is designed to protect the good name of the school from that kind of reputation?

Mr. EASTMAN. No, sir; the only step that was taken was that Y. M. C. A.

The CHAIRMAN. You say the Y. M. C. A. did that?

Mr. EASTMAN. The only thing that had any influence at all. Dr. Walker had an office over in the large boys' quarters—he did not stay there all the time—and in the evening he had reading and entertained the boys there himself.

Senator LANE. Do you have a library here?

Mr. EASTMAN. Yes, sir; we have a library.

Senator LANE. How many volumes?

Mr. EASTMAN. I do not know.

Senator LANE. A large-sized library?

Mr. EASTMAN. Yes, sir.

Senator LANE. Are you allowed to go there in the evenings?

Mr. EASTMAN. Yes, sir.

Senator LANE. Up to what hour?

Mr. EASTMAN. From 7 to 8; and during the day, of course.

Senator LANE. Now, do your hours of study here permit of your making use of that in the daytime?

Mr. EASTMAN. I do not, personally, now, because I do not stay up here.

Senator LANE. What time do they go to bed here? What is the hour?

Mr. EASTMAN. Nine o'clock.

The CHAIRMAN. The Y. M. C. A. appears to have been a great influence for good here?

Mr. EASTMAN. Yes, sir.

The CHAIRMAN. At least all the students who have expressed themselves about it say so.

Mr. EASTMAN. Yes, sir.

The CHAIRMAN. And since Mr. Walker left the Y. M. C. A. has gone to pieces; the organization has practically dissolved?

Mr. EASTMAN. Yes, sir.

The CHAIRMAN. And now you have no organization within the school that is calculated to be a moral force for the preservation of the good name of the school?

Mr. EASTMAN. No, sir. We have the Y. M. C. A. yet. It is called the Y. M. C. A., but it is not the same thing.

The CHAIRMAN. It is not accomplishing anything?

Mr. EASTMAN. No, sir; it is not accomplishing anything.

Representative STEPHENS. Who is manager of the Y. M. C. A.?

Mr. EASTMAN. Mr. Meyer. They have had three since Mr. Walker left. But the boys, knowing what Dr. Walker did for the students, found out when these other men came that they were not doing the same, so they could not take the same interest. They had Mr. Bryan from the college, and then Mr. Mann, and now they have Mr. Meyer. They used to have different speakers from town come around, and they had good meetings.

The CHAIRMAN. Does Mr. Friedman take any interest in the Y. M. C. A.?

Mr. EASTMAN. Not that I have known. He may personally, but he does not show it that I know of. I remember I was a member of the Y. M. C. A. last year until toward spring, and then I was vice president until I left. I left in April.

The CHAIRMAN. How often did you have meetings?

Mr. EASTMAN. Every Sunday evening.

The CHAIRMAN. Did you have programs?

Mr. EASTMAN. Yes, sir; we carried on a program. Sometimes somebody would speak. Other times there was testimony from the boys, what they wished to say. During the day Dr. Walker used to entertain the boys at the office there, reading and whatever they wished to do.

The CHAIRMAN. Did Mr. Friedman attend the meetings of the Y. M. C. A.?

Mr. EASTMAN. Not very frequently. During last summer I do not remember seeing him in here but just three times. One was at a reception and they had a little program in here. Another time he was in; I don't remember just what occasion it was. And the last time I have seen him here during last fall and last spring when they had a program here just for the benefit of the seniors. The seniors were supposed to give their ideas of things and speak, and after the seniors spoke he rose and spoke and gave his idea of it, and he practically knocked us all on the head, almost the same as calling us a liar or something.

The CHAIRMAN. He took the contrary view?

Mr. EASTMAN. Yes, sir.

The CHAIRMAN. What were the seniors trying to do?

Mr. EASTMAN. I was one of the speakers, and Harrison Smith, one of the boys that was expelled. We told him what the Y. M. C. A. did for us, and I myself explained how much the boys really thought of Dr. Walker, and I think that was the first Sunday Dr. Walker was here. Of course, the boys regretted it, and they asked me to announce it in the meeting, and I did. And when Dr. Friedman spoke—

The CHAIRMAN. What did he say?

Mr. EASTMAN. He said he could not prove what it did for us unless we went home and showed it among our people, I can not just say—

The CHAIRMAN. Anyway, he antagonized the position taken by the pupils?

Mr. EASTMAN. There was one instance of unjust punishment. A senior boy that was here was supposed to write a composition on citizenship. I suppose he was in the writing room, that seemed to be what he was doing, and he gave his answers, and he was put in the guardhouse. He is in there now. He is one of the boys that will talk to you.

The CHAIRMAN. He was put in the guardhouse for what?

Mr. EASTMAN. For reading a letter, I think it was. I don't exactly know what it is, but he is in here and could tell you about it.

Senator LANE. Which one?

Mr. EASTMAN. Alvis Martin.

About the meals: We have beef. I have been in the room where they prepare this beef downstairs, where they cut it up, and it has a cement floor and everything. I was in there one time when they were cutting it, and it fell on the floor, and then they just picked it up. And sometimes we have fish and it is salty—you can hardly put it in your mouth. One time the fish smelled so you could hardly touch it, and some of the boys had to leave.

Senator LANE. What kind of fish is it?

Mr. EASTMAN. I do not know. It is salty, I know.

The CHAIRMAN. Is there anyone else who wants to be heard?

TESTIMONY OF EDWARD BRACKLIN, STUDENT.

The witness was reminded that he had been sworn.

Senator LANE. Where are you from?

Mr. BRACKLIN. Wisconsin.

The CHAIRMAN. How long have you been in school at Carlisle?

Mr. BRACKLIN. I have been here four years.

The CHAIRMAN. Have you ever had any trouble with Superintendent Friedman?

Mr. BRACKLIN. No, not to amount to anything. Last spring when I wanted to go home, my time had expired then, and I asked him if I could go home, and he said no. I had to wait until June, but finally he gave me consent, and that is the only trouble I have had with him.

The CHAIRMAN. What is the estimation in which he is held by the student body in Carlisle?

Mr. BRACKLIN. According to what I have seen I do not think it is a very high estimation.

The CHAIRMAN. What in your judgment is the reason he is not respected by the students, if he is not?

Mr. BRACKLIN. All of it has been referred to, but it is this unjust punishment that has been referred to that led the boys to sort of rebel, and not giving the boys a voice that they should have in the office over there. Any time a boy goes over there and wants to make a complaint he threatens them with punishment. Of course, the boys come back to quarters here and kind of go to the other side of the question and take it in their own hands.

The CHAIRMAN. He refuses to hear their grievances?

Mr. BRACKLIN. Yes, sir.

The CHAIRMAN. And consider their complaints, and they then become resentful?

Mr. BRACKLIN. Yes, sir.

The CHAIRMAN. And, as you say, try to take the matter into their own hands?

Mr. BRACKLIN. Yes, sir.

The CHAIRMAN. Go ahead and make your statement.

Mr. BRACKLIN. The statement I want to make is on the health conditions. Over here in the large boys' quarters they are not supplied well enough with towels. We get one towel a week to wash with, and some get a bath towel. The way the boys go around here, that is not sufficient for anybody.

Senator LANE. What is it? A roller towel or ordinary size?

Mr. BRACKLIN. One little towel it used to be, but now they have this sanitary towel in rolls. It is a kind of blotting paper.

Senator LANE. Don't you get enough of that?

Mr. BRACKLIN. I don't really know over there, but lots of times they do not get enough of it. I room over in the athletic quarters, and I have heard the boys complain that they do not get enough towels. This paper runs out, and they have to go up in their rooms and wipe their faces with the sheets or pillow cases or anything they can get hold of.

This gymnasium down here—this place here should be kept just as clean as anywhere else, because the students come here and drill, and here they spend their social evenings all together. Of course, I hold Mr. Friedman responsible for that condition, that he should keep it clean. You can go right down there and look around the pipes and it is nothing but tobacco spit and dirt all around the pipes and wall.

Senator LANE. The students do that themselves, don't they?

Mr. BRACKLIN. Yes, sir.

Senator LANE. Do they chew tobacco?

Mr. BRACKLIN. Yes, sir.

Senator LANE. And smoke cigarettes?

Mr. BRACKLIN. Yes.

Senator LANE. Can not the boys have a rule to regulate the conduct of the students?

Mr. BRACKLIN. The way we look at it that would be stepping over Mr. Friedman's head, taking the authority into our own hands.

Senator LANE. You think that is for him to do?

Mr. BRACKLIN. Yes, sir.

Senator LANE. Did you ever complain to him about the condition of it and call his attention to it?

Mr. BRACKLIN. Not that I know of.

Senator LANE. Does he ever inspect the place?

Mr. BRACKLIN. I do not think so. If he did he would have it cleaned.

About fire drills, there is not enough of that, which, of course, treats under health conditions. Now, the only time they have fire drills over here—they never have them over here in the boys' quarters. They have them over in the girls' quarters. The only time they have a fire drill is when a moving picture man comes over here and takes the picture.

The CHAIRMAN. Is that literally true?

Mr. BRACKLIN. Yes, sir.

The CHAIRMAN. What is the object in having fire drills in the girls' quarters and not in the boys' quarters. Is there any reason assigned for it?

Mr. BRACKLIN. In my opinion it is just to cause a little excitement on the campus through the moving pictures.

The CHAIRMAN. To make a show?

Mr. BRACKLIN. Yes, sir.

The CHAIRMAN. As a matter of fact, have you a fire organization among the boys in the school? Who is the fire chief?

Mr. BRACKLIN. The fire chief is Mr. Weberton, the plumber.

The CHAIRMAN. Have you a fire company among the boys?

Mr. BRACKLIN. Not that I know of. I do not know of any. They might have.

The CHAIRMAN. Did you ever see them drill here on the premises?

Mr. BRACKLIN. No, sir.

The CHAIRMAN. What fire escapes are there on the girls' buildings?

Mr. BRACKLIN. Well, on those porches there is two, I think. They are made out of this pipe, and they only lead down to the second floor and there the girls have to slide on this pipe down to the second floor, and from there I suppose they go inside and run down the stairs.

The CHAIRMAN. There is no way to get out on the fire escapes from the second floor at all, then?

Mr. BRACKLIN. No, sir.

The CHAIRMAN. Are the fire escapes on the girls' buildings adequate otherwise than that? Is there enough of them?

Mr. BRACKLIN. I do not think so.

The CHAIRMAN. There are only two on the building, you say?

Mr. BRACKLIN. Two on each floor coming down.

The CHAIRMAN. What fire escapes are there on the boys' buildings?

Mr. BRACKLIN. The same thing.

The CHAIRMAN. Do you know how long they have been in use?

Mr. BRACKLIN. No, sir; they were here when I came.

The CHAIRMAN. The fire-escapes on the boys, building extend to the ground, or near enough, don't they? You do not know about that?

Mr. BRACKLIN. No.

The CHAIRMAN. Go ahead.

Mr. BRACKLIN. The fire escapes over in the athletic quarters on the east side—I think there is five or six of those steps taken out. If there should happen to come a fire, how is a boy going to escape down those fire escapes?

Senator LANE. How do they come to be out?

Mr. BRACKLIN. I think Mr. Friedman gave an order to take them out because the boys oftentimes went down these stairs to go out on the athletic field.

Senator LANE. Are they wooden steps?

Mr. BRACKLIN. No; they are iron.

The CHAIRMAN. Don't the boys use them to slip out sometimes and steal away from school?

Mr. BRACKLIN. No, sir.

I don't know whether to speak of the girls' quarters or not. The girls' windows are nailed down. The bottom sash is nailed solid to the top, and the only way they can get any fresh air is to have a little opening on top and they can not open the bottom sash up.

The CHAIRMAN. Do you know why that is done?

Mr. BRACKLIN. No, sir.

The CHAIRMAN. I presume that is done to keep them from passing in and out of the rooms through the windows.

Mr. BRACKLIN. I do not think they could pass down there and jump to the ground.

The CHAIRMAN. You do not think it would be necessary to fasten the windows for that purpose?

Mr. BRACKLIN. No, sir.

The CHAIRMAN. On the second floor, you mean?

Mr. BRACKLIN. Yes, sir. The girls do not room on the first floor, only on the west side.

The CHAIRMAN. What about the bedding in the boys' quarters?

Mr. BRACKLIN. The bedding is all right, I think. Of course, it is a little hard, and there is no springs to it.

The CHAIRMAN. But you think you can make out on that very well?

Mr. BRACKLIN. Yes, sir.

The CHAIRMAN. You have no complaint on that account?

Mr. BRACKLIN. No, sir.

The boys' punishment in the guardhouse—the boys go down there being punished for some mischief of any kind, and they put them down there, and if he has done any serious crime they feed him on two sandwiches a day—meat sandwiches.

The CHAIRMAN. Do you mean to say that part of the punishment imposed on a refractory student is starving him?

Mr. BRACKLIN. Yes, sir.

The CHAIRMAN. Is that universally done?

Mr. BRACKLIN. It has been done here for the last two months. If these boys work they get one regular meal a day at the noon hour.

The CHAIRMAN. The boys in the guardhouse?

Mr. BRACKLIN. Yes, sir.

Senator LANE. If they work?

Mr. BRACKLIN. Yes, sir.

Senator LANE. What kind of work would that be?

Mr. BRACKLIN. The boys that work in the guardhouse have to go down to the boiler house and shovel coal.

Senator LANE. Firing?

Mr. BRACKLIN. They have a place where they can haul the coal from and get it handy to the boilers.

The CHAIRMAN. They do not work them on two sandwiches a day? Is there anything else——

Senator LANE. What are the sandwiches composed of?

Mr. BRACKLIN. Meat. And their bedding—they do not get any mattress, just these iron strips. No bedding, only their mattress. Possibly, sometimes they steal a pillow and take it down there, but no mattress.

The CHAIRMAN. Part of the punishment, then, is a bad bed?

Mr. BRACKLIN. Yes, sir.

Representative CARTER. How many boys have been put in the guardhouse within the last three months?

Mr. BRACKLIN. I could not say for certain. There has been some there all through.

Representative CARTER. How many have been in the guardhouse during the last month?

Senator LANE. Does anybody know?

A PUPIL. Probably eight or nine.

Representative CARTER. How many were in there last week?

A PUPIL. Four, I think.

Representative CARTER. How many are in there now?

A PUPIL. I am sure I can not say. Three, I think.

Representative CARTER. What are they in there for?

Mr. BRACKLIN. There was seven in there this noon.

Representative CARTER. What are they in for?

Mr. BRACKLIN. Some for being drunk; most of them for being drunk.

Representative CARTER. Anything else?

Mr. BRACKLIN. No, sir; I don't know anything.

Representative CARTER. What is the procedure for placing the boy in the guardhouse? Do they give him a trial or anything?

Mr. BRACKLIN. Why, there used to be, but it has not been done lately. They used to court-martial him, but it has not been done for a long time—since last spring, I think.

The CHAIRMAN. Who has the power to send him to the guardhouse——

Mr. BRACKLIN. Sometimes these boys, when they were court-martialed, they were fined possibly \$2; possibly \$10.

Senator LANE. Cash fine?

Mr. BRACKLIN. If the boy has cash, he pays. Sometimes he has money up here in the office, and they take it out.

Senator LANE. What is done with that money?

Mr. BRACKLIN. They claim that they buy magazines and papers for the large boys' quarters.

Representative CARTER. You have not told us who sentences these boys to the guardhouse.

Mr. BRACKLIN. Who takes them down?

Representative CARTER. No; who has the right to say that they shall or shall not go there?

Mr. BRACKLIN. Why, I think the disciplinarian has that part of it.

Representative CARTER. Who is he?

Mr. BRACKLIN. Mr. McKean.

Representative CARTER. Does Mr. Friedman have anything to do with that?

Mr. BRACKLIN. I should judge that Mr. McKean has orders from Mr. Friedman.

Representative CARTER. But you don't know that? That is your judgment?

Mr. BRACKLIN. No, sir.

Representative CARTER. Do they always put a boy in the guard-house when he gets drunk?

Mr. BRACKLIN. Why, that is if they know he is drunk. Lots of them they do not find out.

Representative CARTER. Do you know anything about how these boys get this whisky?

Mr. BRACKLIN. Not positively; only what I have heard.

Representative CARTER. What do you hear about it?

Mr. BRACKLIN. Sometimes they go down here in town and get these bootleggers, of course. They are blacks mostly. They get them to go and get the whisky for them, and the negroes bring it to them.

Representative CARTER. The negro goes to the saloon and buys it?

Mr. BRACKLIN. Yes, sir; possibly sometimes the whites.

Representative CARTER. What does the boy pay for it?

Mr. BRACKLIN. I could not say, sir.

Representative CARTER. But the negro gets a profit. He does not do that through friendship?

Mr. BRACKLIN. Possibly not.

Representative CARTER. You never bought any yourself?

Mr. BRACKLIN. No, sir.

Representative STEPHENS. Do you know the names of any of these fellows that do that?

Mr. BRACKLIN. No; I do not know them.

Representative CARTER. Can you give us the name of anybody that could tell of us of any?

Mr. BRACKLIN. I think Mr. Charles Kelsey could tell you.

Representative CARTER. Is he a student?

Mr. BRACKLIN. Yes, sir.

Representative STEPHENS. Is there anybody else?

Mr. BRACKLIN. I could not say for sure who would tell, but there is lots of them that gets it, I guess. It would be pretty hard to get them to tell who they get it from.

Representative STEPHENS. Can any of you young men, or ladies either, give us the names of any of these bootleggers in this town, black or white, male or female? Don't all speak at once.

Mr. EASTMAN. I could not say any name, but I have seen boys at this house I told you about—the hotel.

Representative STEPHENS. Can you give us the names of boys that would know?

Mr. EASTMAN. I do not know whether I could give the name or not.

Representative STEPHENS. You gave his name a while ago?

Mr. EASTMAN. Yes, sir.

Representative STEPHENS. Can any of the rest of you boys give us the name of anybody that would know?

A PUPIL. I know of boys who tell me they get it.

Representative STEPHENS. Now, what is the name of that boy?

A PUPIL. There is one boy, for instance, that was court-martialed just a few days ago. That is Peter Wilkie. He says he got it at the Pennsylvania House. I forget the name of another boy who was up there at the same time, but he is in the guardhouse at present.

Representative STEPHENS. He is in the guardhouse now?

A PUPIL. Yes. I think he stated he got it at the Pennsylvania House.

Representative CARTER. What is his name?

A PUPIL. He is a new boy; I forget his name.

Representative CARTER. What is this other fellow's name?

A PUPIL. Wilkie.

Representative STEPHENS. Can the rest of you boys, or girls either, give any names of anybody you think would know?

(No response.)

Mr. BRACKLIN. I would like to mention discipline and order a little. It is my own opinion, for one thing, that it is lax. In 1908 the boys and girls used to meet together. At that time they took pride in going there in a respectable way and being a gentleman or a lady while in the dining room. But now, after they have been separated, the boys do not seem to care how they go over there. They go over any time—go into the dining room—do not have to have any formation over there. They just go over any time they get ready. They go most of the time just like they are going to work. They go in their working clothes—never washed. This way they do not learn how to act at a table, do not learn any manners; whereas, in my judgment, if they had to eat with the girls they would learn a little manners and learn how to act at a table.

Representative STEPHENS. Do they have anyone there at the table to keep order?

Mr. BRACKLIN. They have a matron.

Representative STEPHENS. Does Mr. Friedman ever go to the dining room himself?

Mr. BRACKLIN. He has not been there this fall, only Christmas and Thanksgiving.

Representative STEPHENS. Do they have disorder on those days?

Mr. BRACKLIN. No.

The CHAIRMAN. You know Inspector Linnen, do you?

Mr. BRACKLIN. Not personally. I have seen him around.

The CHAIRMAN. Did he talk with you about what your testimony was going to be?

Mr. BRACKLIN. No, sir.

TESTIMONY OF HENRY BROKER, STUDENT.

The witness was reminded that he had been sworn.

Senator LANE. Where are you from?

Mr. BROKER. From the White Earth Reservation, Minn.

The CHAIRMAN. Proceed with your statement.

Mr. BROKER. I will just have to dwell on the laxity of discipline. In my judgment the laxity of discipline is due to loss of respect by the students for the head, caused by the ignoring of their complaints, mostly because students have went up there with certain complaints and they could not get redress in any way. His unjust punishment of students—for instance, take that of expulsion. Students have been expelled for little or no cause whatever, and if the other students have asked for reasons why a certain student has been expelled he has been either threatened with punishment or ignored.

Representative CARTER. Can you give cases where the students have been expelled without cause?

Mr. BROKER. Well, there is the case of James Baker—it has been given already. And that is one case. There is a boy that is thought well of by all students. There is no cause whatever why he should have been expelled. It was just simply that he wrote to the authorities concerning the opening on an official letter that was written to him from his agent. It was opened up here at the office and he complained of it to this agent, and the agent sent it back to Mr. Friedman.

Representative CARTER. Who was his agent?

Mr. BROKER. Maj. John R. Howard, at the White Earth Reservation.

Representative CARTER. What was his name?

Mr. BROKER. James Baker. I remember him telling me the night he went away. He told me this himself, that Mr. Friedman had the letter in front of him and he asked Baker what he meant by that letter, and Baker he said just what it stated. And in that letter all it contained was the conditions and it asked his agent—that letter asked his agent whether Mr. Friedman had authority to open students' official letters. And Baker told him he had meant through that letter just what it said. Then Mr. Friedman upbraided him for his socialism that he believed. Of course, he said it was a bad influence upon the students, but Baker in no way whatever tried to influence such upon any other students.

Representative CARTER. Was that all that Baker did?

Mr. BROKER. Yes; that is all.

Representative CARTER. That is the only thing he did for which he was expelled?

Mr. BROKER. Yes. There has been students that have been expelled for writing to higher authorities concerning the opening of official letters. Now, there is another case here that was taken up, I think it was about 1910. I remember well it was about the first summer I was here. There was a lad up here in the old guardhouse by the name of George Manawa. The boy that was in charge of the guardhouse at that time was Henry Blatchford. Manawa had received a letter from his agent in Oklahoma somewhere. I don't know who the agent is. It was opened up at the office here, and Mr. Blatchford—Manawa asked Blatchford to write for him to the authorities in Washington concerning this. Mr. Blatchford did so, and the letter was sent back to the office, and it was found out and Blatchford was given 15 minutes to leave.

Representative CARTER. He was from Oklahoma?

Mr. BROKER. Yes.

Representative CARTER. What tribe?

Mr. BROKER. I don't know.

Representative CARTER. Do you know what place in Oklahoma?

Mr. BROKER. Blatchford, the boy that was expelled for doing this, was a Chippewa from Wisconsin.

The CHAIRMAN. How do the pupils generally regard the superintendent of the school?

Mr. BROKER. My estimation is they do not regard him very highly. They did when he first came here, and that was four years ago last December, but from then on I have noticed that the discipline in general has been lowering gradually, and it was through all this, just what I have stated.

The CHAIRMAN. Have you talked with anyone what your statement would be here? Have you talked with Mr. Linnen?

Mr. BROKER. No, sir; I never—I did not speak to Mr. Linnen.

TESTIMONY OF ZEPANIAH SIMONS, STUDENT AND ASSISTANT DISCIPLINARIAN.

The witness was reminded that he had been sworn.

Senator LANE. Where are you from?

Mr. SIMONS. Massachusetts.

Senator LANE. What do you represent?

Mr. SIMONS. I was supposed to take part in the discipline, with Mr. Broker.

Senator LANE. What have you to say in reference to that?

Mr. SIMONS. I think myself like this: I was supposed to take part in the discipline part of this question. At that time I was a student, but since then I have been made a kind of employee, and it kind of makes feeling—makes the employees—anyway, as Mr. Broker was on discipline, he got into the matter, and I thought I would keep out of it myself, but as the boys liked for me to come up here——

Senator LANE. Are you an employee?

Mr. SIMONS. I am supposed to be an employee?

Senator LANE. What are you doing?

Mr. SIMONS. I take care of athletic goods and the quarters.

Senator LANE. You are not attending school any more?

Mr. SIMONS. Yes, sir; I am attending school, but I am supposed to be an employee. My time of schooling is not out. I have three more years to go to school here.

The CHAIRMAN. How much compensation do you receive, and who pays you?

Mr. SIMONS. I thought at first that the money that was paid for the one that took care of the athletic goods and quarters would come out of the athletic money, but I looked into the matter and found out the money comes really from the Government, and they pay \$25 a month for taking care of that place.

The CHAIRMAN. They pay a student then out of the Government funds \$25 a month for taking care of the athletic goods?

Mr. SIMONS. Athletic goods and the quarters the boys are in.

The CHAIRMAN. Have they been paying students heretofore for that work?

Mr. SIMONS. Why, you see, my time is really up at school and I can go outside if I wish. But first I would like to stay and finish my schooling, and I have not signed again for another term. I was

here and had not signed, and so they wished me to take that place, and that is the way I happened to get it.

The CHAIRMAN. Tell us anything that you think we ought to be informed of.

Mr. SIMONS. In regard to discipline?

Senator LANE. Anything you please.

The CHAIRMAN. Athletics.

Mr. SIMONS. As I have stated before, I thought myself it was best to keep out of it.

Senator LANE. Best for whom?

Mr. SIMONS. Best for myself to keep out of it.

The CHAIRMAN. What facts do you know?

Mr. SIMONS. I could not say, really. I was put on discipline.

The CHAIRMAN. Is the discipline in the school satisfactory to you?

Mr. SIMONS. No, sir; the discipline is not satisfactory.

The CHAIRMAN. How long have you been studying in school?

Mr. SIMONS. Since October 15, 1908.

The CHAIRMAN. Is it as good now as when you came?

Mr. SIMONS. At that time the discipline was more military, you know.

The CHAIRMAN. Is it as good now as it was?

Mr. SIMONS. It is not near as good.

Senator LANE. How old are you?

Mr. SIMONS. Twenty-four years old.

The CHAIRMAN. In what respects is it worse now than when you first came here?

Mr. SIMONS. Well, at the time when I first came here it was military. What I mean to say is—they had officers, you know, and the disciplinarian himself was a military man. He was an Indian—Mr. Venn. He understood the ways to arrange the officers and wherein to take care of the discipline, whereas to-day the discipline has fallen off on account of not handling the students right, I should think. Say, for instance, the officers held up the discipline at that time, and being dissatisfaction among the student body and not getting justice by the head, it has formed discontent among the whole student body, and by doing this they have lost control of the officers of the school.

The CHAIRMAN. What evidence of disorder have you observed in the school recently?

Mr. SIMONS. I do not understand you.

The CHAIRMAN. What lack of discipline do you see?

Mr. SIMONS. Well, I see boys occasionally drink once in a while.

The CHAIRMAN. Is there more drunkenness now than there was when you first came here, Mr. Simons?

Mr. SIMONS. Oh, yes, a good bit more; I should think a good bit more than when I first came here. When I first came here the discipline was good. It seems like everybody had something to do, you know, to take up their time.

The CHAIRMAN. Under the old system the students were relied upon, through the military organizations in the school, to help enforce order and preserve order? And has that been abandoned?

Mr. SIMONS. It has not been abandoned.

The CHAIRMAN. Has it been relaxed?

Mr. SIMONS. Relaxed, I should think.

The CHAIRMAN. Now, have you seen the students display evidences of disrespect towards the superintendent?

Mr. SIMONS. Well, I have been among the student body, but I could not say who it came from.

The CHAIRMAN. From the student body, if you want to term it that. Have you seen them show disrespect toward the superintendent?

Mr. SIMONS. Yes; I have.

The CHAIRMAN. On many occasions?

Mr. SIMONS. Quite frequently.

The CHAIRMAN. Do you know whether it is a fact or not that the student body as a whole do show disrespect to the superintendent?

Mr. SIMONS. Yes; the student body as a whole—all the boys. could not say about the girls, of course.

The CHAIRMAN. Are there any young men of good standing in the school who are the friends of the superintendent and who respect him and try to help him along.

Mr. SIMONS. I myself was speaking about as far as respect was concerned—I don't think they show much respect toward him.

Representative STEPHENS. Do you think it is possible for this present superintendent to restore order in the school and build it up?

Mr. SIMONS. I think he could not have any influence at all on the student body if he were to stay here. I think if he were to stay here it would be worse.

Representative STEPHENS. And you think it would get worse than it now is if he remained?

Mr. SIMONS. I do. I really think it would.

The CHAIRMAN. Have you talked with Mr. Warner recently?

Mr. SIMONS. Yes; I have.

The CHAIRMAN. Have you talked with him about testifying here?

Mr. SIMONS. Yes; that was the reason I did not want to testify here, because the fellow that was taking care of this place over here, he left, and—of course, he did not ask me, but he asked through him if I was taking part in this work, and he told him, he said, "Mr. Simons is a quiet fellow; he never says nothing and never does anything, and I don't believe he is taking part in this." But he did not tell him to ask me if I were, so I did not say anything. Of course, if he had asked me I should have told him yes.

The CHAIRMAN. Did Mr. Warner talk to you about your testimony here?

Mr. SIMONS. No; he did not ask me. The only thing I know is that Clement Hill that used to be over there—Mr. Friedman called him up to the office and asked who was going to take the place, and he said he had recommended me. Mr. Friedman asked Clement then—he did not think I would make a very good one, on account I was taking part in this trouble toward the head of the school, you know. So Clement says he did not think I were. He said, "I will take your word for it." He told Clement, but he did not ask me.

Senator LANE. How long have you been occupying this position?

Mr. SIMONS. Well, I have just been in there since Monday, but I knew I was going to get it for two weeks. I thought the best thing for me to do afterwards was to keep quiet, not because I was afraid or anything, but just because I thought it would be—I don't know what you call it.

The CHAIRMAN. You thought it would be good policy?

Mr. SIMONS. Yes.

Representative CARTER. Mr. Warner did not tell you not to testify?

Mr. SIMONS. He did not ask me to.

Representative CARTER. He did not ask you to or not to?

Mr. SIMONS. He never said anything to me regarding this at all only through Clement.

The CHAIRMAN. Did you see him to-day about testifying here to-night?

Mr. SIMONS. No; I did not, because one of the boys out here, one of the officers, brought around a slip of paper and said he would like for me to be here at 6 o'clock.

Senator LANE. These gentlemen here——

Mr. SIMONS. No; he is outside.

Senator LANE. These gentlemen here selected you to accompany them?

Mr. SIMONS. I do not know who selected me. I know we had a meeting one night and my name was on a slip. Of course, I was willing to take part in it myself at that time, but I thought it best afterwards not to on account of this.

Representative CARTER. You did not want to take chances of your job?

Mr. SIMONS. No; not that——

Representative CARTER. That was a pretty good thing to do.

Senator LANE. You felt that inasmuch as you were working for the institution it would not be quite proper?

Mr. SIMONS. That is the idea.

Senator LANE. I think probably you are right about that, too.

Mr. SIMONS. Because it did not make very good feeling, being among the employees.

Senator LANE. No; nor does it look well for you to be in here while the students are giving their evidence. Had you thought of that?

Mr. SIMONS. Yes, sir; I thought of it.

The CHAIRMAN. How did the students happen to come here, represented by committees on the part of the young men in the school and young ladies in the school?

Mr. SIMONS. I believe first there was talk among the boys that we should have a meeting, so one night we came from the dining room, and we all marched right up here in troops and we all came in here. Then we selected a president to take charge of the meeting. So the president was chosen, and I suppose he and his associates at that time selected the ones they thought could represent the school.

The CHAIRMAN. The action, then, was spontaneous on the part of the students themselves, and arose from their dissatisfaction with conditions that existed in and about the school?

Mr. SIMONS. Arose from their dissatisfaction—I could not say what you call it; the dissatisfaction of the school—the way the things are carried on.

The CHAIRMAN. Now, have you seen or interviewed the inspector for the Government, Mr. Linnen?

Mr. SIMONS. No, sir.

The CHAIRMAN. I want to ask, in this connection, of the young ladies and young gentlemen who are here representing the meeting

that has been spoken of, whether they have conversed with Mr. Linnen or told him what their testimony or statements would be. If any of you have, we would be glad to know it. Mr. Yuda and Mr. Chase? The other say they have not, I believe.

Mr. CHASE. We asked him when this was going to be.

The CHAIRMAN. I asked which of you had made statements to Mr. Linnen as to what your testimony was going to be.

A YOUNG LADY. Miss —— and I told Mr. Linnen—we asked him how we should carry on our part and what was expected of us, and he told us to give only the facts, and they were to be true, and everything we brought up was to be true. We got permission from him to carry on our meetings without the matron. The first meeting we had was with a number of girls, about 50, and that 50 selected a committee to represent them, and we are the six here, and we have investigated as far as we could.

Representative CARTER. You did not talk to Mr. Linnen about what you would testify to when you came here?

A YOUNG LADY. No, sir; he just told us to look into the matter; that was all.

Representative CARTER. You did not tell him what you were going to say.

A YOUNG LADY. No, sir.

Representative CARTER. And he did not tell you what to say?

The CHAIRMAN. What I am trying to find out is whether Mr. Linnen has been unduly active in obtaining testimony.

Mr. YUDA. In reference to me, I raised my hand. I spoke of conditions that existed, but I did not tell him what I was going to say.

The CHAIRMAN. He did not make any suggestion to you?

Mr. YUDA. Nothing whatever.

The CHAIRMAN. You did not detail to him your testimony?

Mr. YUDA. Not all of it. I just gave him an outline as to my personal trouble.

Mr. CHASE. I had spoken to Mr. Linnen, telling him that there was a committee, and each one had a subject, and my subject was expulsions. And he told me to get the facts and tell the truth about everyone.

The CHAIRMAN. You came to Mr. Linnen first?

Mr. CHASE. No, sir.

The CHAIRMAN. I thought you said you had spoken to him and told him there was a committee?

Mr. CHASE. I did.

The CHAIRMAN. So he told you to get the facts and present them?

Mr. CHASE. I told him what my duty was on the committee, and he said to get the real facts and the truth.

Senator LANE. Did Mr. Warner suggest to you or tell you it would be better for you not to be seen here to-night?

Mr. SIMONS. No. I know it is the feeling amongst the employees not to do that.

Senator LANE. Mr. Warner did not tell you to do that?

Mr. SIMONS. No.

Senator LANE. He did not suggest it?

Mr. SIMONS. He did not suggest it to me, you know.

Senator LANE. Who did?

Mr. SIMONS. Mr. Hill, you know, the fellow that was before me; he told me about this. He said it was best not to take part in this if we were wishing to be there.

Senator LANE. That was friendly advice on his part?

Mr. SIMONS. Yes, sir.

Representative CARTER. All the employees do not share that feeling, do they, that you should not testify before this committee?

Mr. SIMONS. I could not swear to it myself, but I believe sometimes they influence boys not to take part in it.

Representative CARTER. But your testimony only goes to certain employees? You do not think the entire force of employees, every one of them, have that feeling?

Mr. SIMONS. No, sir; I don't think every one of them, but a few.

The CHAIRMAN. Did anyone tell you that it would be best not to testify here?

Mr. SIMONS. Yes, sir; Hill, the boy that just left.

The CHAIRMAN. Did he say who told him to say that. Whom did he speak for?

Mr. SIMONS. You see, he recommended me, but he did not know I was taking part in this, and he said to me, "I know well you are not taking part in this." I suppose he had not attended these meetings, and I did not tell him I was. That is the only reason; if he had asked me I should tell him.

TESTIMONY OF MONTREVILLE YUDA, FORMER STUDENT.

The witness was duly sworn by the chairman.

The CHAIRMAN. Where is your home?

Mr. YUDA. I live near Syracuse, N. Y.

The CHAIRMAN. What business are you in?

Mr. YUDA. I have a restaurant and delicatessen store.

The CHAIRMAN. Where is it?

Mr. YUDA. On the other side of the railroad tracks.

The CHAIRMAN. Near here?

Mr. YUDA. Within half a mile.

The CHAIRMAN. Were you formerly a student here?

Mr. YUDA. Yes, sir.

The CHAIRMAN. How long were you a student?

Mr. YUDA. I was here a little over five years. I just left in May, after graduating last year.

The CHAIRMAN. How did you come to leave?

Mr. YUDA. Well, it is because I took the initiative steps in behalf of better conditions on the part of the students in general. The whole trouble has been that the superintendent had suspected me of being on the inside—

Representative CARTER. On the inside of what?

Mr. YUDA. Of conditions.

Senator LANE. Of the good conditions?

Mr. YUDA. Of the bad conditions. And he thought that such influences as mine was a detriment to the institution. I went along, drifting, not saying much, but keeping my eyes open. Charges were gotten up against me and they were circulated, and through some friends of mine they put me next to what was going on.

Representative CARTER. Who were the friends that put you next?

Mr. YUDA. I would like to withhold that.

Representative CARTER. All right.

Mr. YUDA. I was told about this, that it had been conversed in the office what was going on. Immediately on finding that out I appeared before the disciplinarian, stating I did not think it was right for them to go behind my back and try to bring up anything against me, that I was here, and that they should bring it before my face.

On finding those things were said about me I went up to the superintendent and told him the state of my condition. He said, "Well, I believe those things are so." I said "Mr. Friedman, will you allow them to prove it? Give me a trial." "No; I do not think it is necessary." "Well, will you allow me to prove them?" "Well, no." "Well," I said, "Will you let them stand?" "Yes; I am going to support my disciplinarians in whatever they do, whether they are right or wrong." I said, "Take my name off that roll. I won't have it any longer in an administration where you abridge the right of a fellow having justice."

The CHAIRMAN. What were you charged with?

Mr. YUDA. He charged me with never sleeping on the grounds; that I was in hotels every night. I defied him—

The CHAIRMAN. What were the facts about that?

Mr. YUDA. There was no facts about it. That is what they could not prove.

The CHAIRMAN. I do not care about what they could not prove. As a matter of fact, did you sleep away from the school frequently?

Mr. YUDA. Never slept away from the school, only on occasions I left the city with the people I was working with, making ice cream; never have I slept away from this institution. I had the night watchman, I had the inspectors, I had my roommates, I had all the boys at my table in the mess—

The CHAIRMAN. You were prepared to prove that the charge was untrue?

Mr. YUDA. Untrue; and he would not prove them, so I was willing to prove them. I told him to take my name off, and he said, "I will consider that." In the meantime, Gus Welch and several boys had gotten together. I said, "Boys, I am going to go to Washington." I said, "I am not going to see Mr. Abbott; it is useless for the students to write to Mr. Abbott. How many complaints have been sent in that he will not recognize, and I am going to go above his head. I will see the Secretary of the Interior."

Well, this petition was gotten out, but nobody dared to sign his name to that. The moment you took the initiative step, out you went as an undesirable student from the institution. I knew it was only a matter of a few days before I would get my pink slip, and while I was here I was going to do what I could to better conditions, if I was to be a martyr. I appealed to Congressman Rupley in Washington, and received a card from him which I presented before the First Assistant of Secretary Lane—Mr. Myer, I think.

He made arrangements for me to see the Secretary, and at that time this land proposition, concerning Japan and California, was before the Cabinet, and it was an early meeting that morning of the Cabinet. The same morning I had a meeting with Secretary Lane at 10 o'clock, and he went to the meeting to hear what Mr. Bryan had

to say. I found I could not stay any longer, because my finances were going very low, and it would mean for me to stay over to-morrow, which I could not have done, so I brought the petition then before Mr. Myer, and stated also about the strapping of the students here and the licking of the boys there who were placed in the guardhouse, by the employees.

Representative CARTER. How often is that done?

Mr. YUDA. That is very seldom done here. I have never known that done before.

The CHAIRMAN. What incident do you refer to?

Representative CARTER. When you say "strapping of the boys" what do you mean?

Mr. YUDA. You see, I had that in the petition. I brought it before Mr. Myer, and Mr. Myer looked that over. It also stated about opening the students' mail here. If mail would come here in the name of a boy, at the will of Mr. Friedman he would tear it open.

Representative CARTER. How many times did he do that?

Mr. YUDA. A number of times.

Representative CARTER. Give us the instances of it.

Mr. YUDA. If I could recall—I never carry any notes or anything to place those things down. I can recall of an instance that he opened Grover Allen's letters on two occasions, taking out a check. I think they had notified the boy about it. I think the Indian agent from Oklahoma notified him. They have never sent him any of that money.

Representative CARTER. Give us the other one.

Mr. YUDA. Edward Fox, and I have known of George Manawa.

Representative CARTER. Were there any others?

Mr. YUDA. I would like to give them to you, but I can not recollect. I have never thought of that before, but there is fully 20 or 25, possibly 30, that the students here can give you, of opening their mail. Now, it appeared here that some of these boys wrote to Washington, and the Postmaster General got after Mr. Friedman for this.

Now, I also stated about the bank books to Mr. Myer, to refer to Mr. Lane. Now, the idea of a student here—go to any student around here, and say, "How much money have you got in the bank?" He says, "I don't know." They don't know. Ask them what interest—they know what interest they should get on the dollar, but the question is as to how much they get. They do not know. They have no way of keeping it. They have no bank book to keep track of their money.

Representative CARTER. Did you have money when you were here?

Mr. YUDA. Yes, sir.

Representative CARTER. Did you have it in the bank?

Mr. YUDA. Yes, sir.

Representative CARTER. Did the bank pay interest on it?

Mr. YUDA. That I don't know. I don't think I ever got a cent of interest.

Representative CARTER. Did you take the pains to find out from Mr. Friedman?

Mr. YUDA. Oh, no. Mr. Friedman don't have anything to do with that.

Representative CARTER. Who does?

Mr. YUDA. Mr. Miller, the banker.

Representative CARTER. Did you try to find out from Mr. Miller?

Mr. YUDA. No, sir.

Representative CARTER. Is Mr. Miller here?

Mr. YUDA. He does not stay on the grounds.

Representative CARTER. He is a banker downtown?

Mr. YUDA. No; he is the banker here.

Representative CARTER. Did you never try to find out from him how much money you had?

Mr. YUDA. No, sir. Oh, I would go up occasionally to find out how much I had.

Representative CARTER. Well, would he refuse to tell you?

Mr. YUDA. No; I don't think he ever refused.

Representative CARTER. He would always tell you how much money you had?

Mr. YUDA. Yes; he would show me.

Representative CARTER. Then what is wrong about it?

Mr. YUDA. Here is the point. If a student has money down there in that bank he should certainly keep track of his own matters and not leave it to him.

Representative CARTER. The student should keep track?

Mr. YUDA. Yes.

Representative CARTER. Is the banker to blame because the student does not do that?

Mr. YUDA. Who is to blame?

Representative CARTER. The student, I should think.

Mr. YUDA. Why not issue him a bank book?

Representative CARTER. Did you ask for a bank book?

Mr. YUDA. What good would it do?

Representative CARTER. How do you know what good it would do? Did you ask for a bank book?

Mr. YUDA. No, sir; I never asked for any.

Representative CARTER. Now, then, you are blaming somebody for not giving you a bank book when you did not ask for it.

Mr. YUDA. I think we had bank books once. We had bank books at one time here. They were withdrawn from the students, taken away from them.

Representative CARTER. You have not any complaint to make about their being withdrawn unless you made some effort to get them.

The CHAIRMAN. When were they withdrawn?

Mr. YUDA. They were withdrawn, I think, after two years of Mr. Friedman's administration.

The CHAIRMAN. How were they withdrawn?

Mr. YUDA. Taken in.

Representative STEPHENS. They ceased issuing them?

Mr. YUDA. Ceased issuing them. That money for two or three years was kept by the banker. No doubt it was kept all right. But you ask any student how much interest money have they got, ask any of these. Nobody knows.

Representative CARTER. Did you take any occasion to try to find out why the bank books were withdrawn?

Mr. YUDA. No; I never took that step. I was supposed to be on the inside of things, and if I took that step I would not be here to-day.

Representative CARTER. Do you really think that if you went up and asked why they would have expelled you?

Mr. YUDA. It is hard to say. They have expelled fellows for less things than that.

Representative CARTER. For what?

Mr. YUDA. Well, when they wrote.

Representative CARTER. Of course, we do not approve of that, but there would be no man so foolish, I think, as to expel anybody, to take the chance of expelling a boy and losing his position for the simple reason that he asked why he did not give him a bank book.

Mr. YUDA. I give you an instance. Just two or three weeks ago a boy was expelled here. What was he expelled for? "You are loafing." The true fact of it was the boy was absent half an hour.

The CHAIRMAN. Who was that?

Mr. YUDA. Louis Schweigman. The true fact is he was absent half an hour from his work.

Representative CARTER. You can not deny that loafing ought to be in violation of the rules. Now, you are coming to another point, the fact whether he loafed or not. The mere asking for a book, Mr. Yuda, would not cause a boy to be expelled, I do not think.

Mr. YUDA. No, I don't know whether it would or not; but I never took the chance.

The CHAIRMAN. After you left here what happened? You went away from here. Did you have any further transactions with Supt. Friedman?

Mr. YUDA. Yes, sir; I did. I left Carlisle, and I went home and stayed home a couple of days, and I came back. In the meantime I had a job working. Right after I graduated I stayed here at school with the intentions of Mr. Friedman—he had made several promises he would send me to Conway Hall; that he wanted me to become a lawyer, and he would do all these things for me. When the time came he did not do it.

So I went and got a position here, a place I had worked four years during my vacations. I had learned to make ice cream and took charge of a plant. In the meantime, while I was expelled, I was working there. I went home and came back to my job right away. I went to work. Mr. Friedman was wise that I was there. He drove down there in his team and demanded that I should leave. He told my boss that I should be dismissed at once; that if he would hold me there he would discontinue the use of his ice cream on his grounds.

The CHAIRMAN. How do you know?

Mr. YUDA. I heard him. I heard the boss say it. Now, the boss told Mr. Friedman—I was within five or six yards from him listening. He said, "What is the matter with Yuda? We always found him to be a fine boy. I never could bring anything against him. He has worked here for me for four years." "Well, I tell you his influence in this town is a detriment to the institution." "In what way?" "Why, he has a tendency to have the boys rebel when they are enjoying fine privileges over there." "Well," he says, "You are the only one I ever hear speak of it. The other students don't say anything like that."

Well, my boss told me this about the affair, and told me that I would have to go, but it was hard, and to stick around awhile in the town and as soon as things quieted down I could come back and

always find a job with him. Then I made a proposition with my boss that if I would use his ice-cream wagon I would get customers. I would run a horse and buy the ice cream from him, and go and make a living for myself on my own hook.

This was accepted by my boss, and everything went along for three or four weeks, and there was no doubt that he had somebody about looking me up. He appeared there just when I was hitching my team to go out, and he drove there with his black team, and he got out, and he said, "Now, look here. I thought I told you about letting this young man go." "Well, he is not working for me now; he is working for himself." "Well, I don't want you to sell him any ice cream. That is just the same as you having him working here."

Now, mind you, sir, in this town I was a graduate of this institution. I had defied them to bring anything against me. I had tried to play the part of a man, and have kept my head aboveboard, because right under the shadow of this institution as my guidance I want to be a credit to the institution and to the Indian, and there was nobody that could have turned me aside. But right in the town was boys that had been former students of this school three years ago that were in the lowest places of the town, drinking and carousing, and he knew that because the policemen came to him on occasions and appealed to him. Now, he came to me and kept me from my bread and butter, and he allowed such a fellow, which was a disgrace to the institution, to have the right under the shadow of the institution.

The CHAIRMAN. What is the name of your employer?

Mr. YUDA. B. W. Hostler.

Representative STEPHENS. What is the name of the Indian that was drunk?

Mr. YUDA. John McGinnis.

He discouraged me. He got me to a state that I did not know what to do. Whether he did it or not, this action of the disciplinarian—I think it comes directly from him because he would not take any such authority as to go around and get a policeman to watch me and have them try to lead me to things and get up a lot of stuff that is rotten and no truth to it whatever. And when I found out that they had such a thing as an affidavit I knew my conscience was clear, and I said, "You have got an affidavit for me; arrest me." He said, "What affidavit have I got?" I said, "I know you have; arrest me." He said, "Well, I have just a little stuff that the people have said." He knew it was so, but they refused to push it because they knew it was all false. If they had ever brought that up I do not think you gentlemen would have been here to-night, because I would have told the court.

Now, while those things were against me I was brought to this judge, and the detective says, "Why, I have investigated the conditions of this young man, and found out they are not so as they have been stated to you." The detective told this to the judge. The judge saw me—Mr. Sadler. He said, "Young man, do you think it is very good for you to stand here and fight against the wishes of Mr. Friedman? Don't you think it is best for you to leave the community and go elsewhere and get a start?" I says, "Your honor, I think that while I am under the guidance of this institution, under the very door of it, if I should feel it would be there to guide me, that

the influence of the faculty here would always keep my head up and aboveboard." I says, "If I could not make a start here, why I could not make a start a thousand miles away from here." I said, "I was working for a man here four years, and I am still on the job, and he is a man that any amount of money has been left in my hands——"

The CHAIRMAN. What did they charge you with?

Mr. YUDA. They never pushed the charges.

The CHAIRMAN. How did they get you before the court?

Mr. YUDA. I appealed to the detective to arrest me and that he had a warrant. He denied having one. He said, "I will just take you up here and we will talk to the judge." He was in his office at the time.

The CHAIRMAN. What court is he judge of?

Mr. YUDA. Cumberland County; the county court.

The CHAIRMAN. He advised you to leave?

Mr. YUDA. Yes.

Representative STEPHENS. What is the judge's name?

Mr. YUDA. Judge Sadler.

The CHAIRMAN. You did not leave?

Mr. YUDA. No, sir.

The CHAIRMAN. Was there any further effort to throw you out of employment?

Mr. YUDA. Yes, sir. He then told my boss that nobody in town would hire me. And it is true enough, for I never went around for it, but I left the town——

The CHAIRMAN. Where did you go?

Mr. YUDA. I went to Chambersburg, and took charge of a much larger ice-cream plant.

The CHAIRMAN. How long did you stay there?

Mr. YUDA. I stayed there August and September.

The CHAIRMAN. You were not disturbed there?

Mr. YUDA. No, sir; and they did not know my whereabouts. Now, I was telling you what the judge told me——

The CHAIRMAN. I think we have had enough of that.

Mr. YUDA. I want to tell you where they went to work and would not interfere with me. He said to me, "Young man," I told him, "Your honor, you will stand by your convictions when you know you are right." He says, "Yes." I said, "So will I. You don't know the conditions between Mr. Friedman and me." And I explained to him. He says, "Young man, you stay here in this town. I am through with you. You stay right here and make a man of yourself." And there has not been any trouble since that time.

Representative CARTER. Had you been coming to the school or having any communication with the boys at the time Mr. Friedman went down to your boss and told him he must fire you?

Mr. YUDA. No, sir; that was only three days after I had arrived back.

Representative CARTER. Had the boys been coming to you?

Mr. YUDA. None whatever.

Representative CARTER. You had not been trying to incite any trouble with the boys?

Mr. YUDA. I kept myself clear of anybody from the school, because I did not want anybody know I was in the town.

Representative CARTER. And you have not ever since you left the town taken part in any movement against the faculty?

Mr. YUDA. I have always stood for the right.

Representative CARTER. But that does not answer the question. Have you ever since then taken any part in any movement against the faculty?

Mr. YUDA. Not directly.

Representative CARTER. What do you mean?

Mr. YUDA. I mean I did not oppose them directly. When things were brought to me, when the boys would ask me something, I would say, "The best thing to do is to go to your superintendent." They say to me, "He won't reason with us." It is true; it is the same in my case.

Representative CARTER. Have you in any way been a disturbing element in the school since you left it?

Mr. YUDA. No, sir.

Representative CARTER. You do not have any malice in your breast for Mr. Friedman?

Mr. YUDA. No, sir; not since I left the school.

(All the female witnesses present were duly sworn by the chairman.)

TESTIMONY OF MISS ———, A STUDENT.

The CHAIRMAN. You are one of the committee representing the young lady students in Carlisle Institute who wish to present some matters to the commission?

Miss ———. Yes, sir.

The CHAIRMAN. Very well. You may proceed and make your statement.

Miss ———. I took up about expelling some of the girls. It has been this last year where there has been more girls expelled for less reason, and they have kept girls here that ought to have been sent away. Last spring there was a girl—she never did anything out of the way or anything, but she was full of mischief.

The CHAIRMAN. What is her name?

Miss ———. ———. She was sent home.

Senator LANE. Where?

Miss ———. To her home in South Dakota.

Senator LANE. Where are you from?

Miss ———. Minnesota. The head matron told her that she was going home, and perhaps in two or three months, when she improved her conduct she could come back. She did not tell her that she was expelled. But the girl told her she would come back as long as she was here, so she might as well tell her she was expelled.

The CHAIRMAN. What were the charges against her?

Miss ———. She does not know herself.

The CHAIRMAN. Do you know?

Miss ———. I was speaking to her cousin about it, and she said that ——— was just being mischievous.

The CHAIRMAN. Go ahead.

Miss ———. Miss ——— case—that was another incident. Mr. Friedman had no reason to expel her. Of course, I was more of a personal friend with ———, and she rather told me more of her

troubles. She was telling me about this time when she was speaking to Miss Ridenour about her not having enough sleep, and Miss Ridenour was trying to get her to apologize for this, and —— did not think she had reason. From time to time Miss Ridenour would call her into the office and ask for an apology, and —— would not acknowledge it at all, and she simply ignored Miss Ridenour at that time. She would not speak unless she really had to.

It was at one of the recitations that she sent for ——. —— was all ready to go. —— simply pulled off her party gown and put on her everyday dress and she went down. She said, "You are not to go." —— said, "What have I done?" This happened about a month afterwards. Miss Ridenour stated the case, the statements she made to her in the assembly room. —— only smiled, and she said, "Is that all?" And she never said any more until after that Miss Ridenour called her in and said she had taken this matter up to Mr. Friedman, and she said, "I told Mr. Friedman to reduce you to ranks." Miss Ridenour did not reduce Miss —— to ranks at all. —— stepped into the ranks on her own accord after Miss Ridenour passed the remark that some of the girls were not fit to be officers, and —— took it Miss Ridenour meant her. As I stated before, she took this matter up to Mr. Friedman, and Miss Ridenour said that Mr. Friedman said she did the right thing by reducing Miss —— to ranks, and he also stated that was enough to dismiss any girl from the school.

Of course Miss —— did not heed this statement, because she thought Miss Ridenour was just threatening her. About two or three weeks ago, when we were all in school line, Miss Ridenour was standing at the door and she called —— into the office, and —— thought she was after her again for the apology. One of the boys stated Miss Ridenour said, "Well, ——, I have waited long enough for this apology, and Mr. Friedman and I have decided to send you home." —— said, "All right. What time do I leave?" Miss Ridenour said on the 10.45, but they had to leave the grounds at 10 o'clock. —— said all right, and she was under guard from the time she went into the office until she left Harrisburg. They did not give her any spending money from the office from the funds she did have up there, but they just simply shipped her home without any warning. —— went home—and that was not any reason whatever. She never had other punishments. The way we girls look at it, she is put on the same level with girls that have been expelled for immoral conduct.

At that time Miss Ridenour sort of knew about the meetings the girls were having. Well, just before that four or five of the girls got into trouble and they are still here, and she has not done anything but put them in the lockup.

The CHAIRMAN. What trouble?

Miss ——. They met boys down in the bathroom there—and she expelled —— for such a simple reason as that.

The CHAIRMAN. Your point is that Miss —— —— had committed no serious offense and she was expelled, and that other young ladies have at least been charged with the very serious offense of infraction of the moral proprieties, and they have not been so severely punished?

Miss ———. Yes, sir. It was more for impudence that ——— was expelled, but she was registered after she was sent home as a graduate.

The CHAIRMAN. Do you know, as a matter of fact, that she was expelled, and registered as a graduate?

Miss ———. Yes, sir. There were other girls that were expelled on the same occasion, for impudence, last spring.

The CHAIRMAN. Who were they?

Miss ———. They were ———, ———, ———, ———, ———, ———, and ———.

The CHAIRMAN. The girls whose names you have just given us were all expelled for impudence?

Miss ———. Yes, sir; Miss ——— was expelled for impudence, and I have not given the girls' names on the list here that are still here that ought to be expelled for the trouble they have made, for the way people look down on the rest of we girls that are trying to do right.

The CHAIRMAN. Do you want to give them?

Miss ———. Yes, sir.

The CHAIRMAN. All right. Who are they?

Miss ———. They are ———, ———, ———, ———, ———, and ———. These girls met the boys down in the bathroom, and they were only put in the lockup for a week.

The CHAIRMAN. What bathroom do you refer to?

Miss ———. Our bathroom in the girls' quarters. Then there has been some girls expelled for bad conduct, that is, for the same reason, but it did not give right out what they were expelled for. To just go back, they certainly deserved to be expelled, but they just put down "time out."

Here is one case: ———. She got into trouble out in the country, and she was sent home from out in the country; also this ———. She came in the fall of 1911, and she was in the condition that she ought not to be with younger girls here, and she went to the country, and she came back and stayed until Christmas in the hospital, I think it was. She was taken to the hospital, and from there, I guess, after she had childbirth, she was sent home.

Representative CARTER. What was her name?

Miss ———. ———. She was a Sioux girl.

Senator LANE. When was this?

Miss ———. 1911.

The CHAIRMAN. Have there been many cases of that sort?

Miss ———. There has been, similar to that; but we think it is Mr. Friedman's place to find out the conditions of the girls when they come here. And such cases have existed before; that is, the girls have been in that condition before coming here, and they are not here long enough before they are sent back home. Of course that reflects on the school.

The CHAIRMAN. There is no doubt about that.

Senator LANE. What did she say about this young lady that became a mother?

Miss ———. Just sent home on leave.

Representative CARTER. How long was she here. Miss ———?

Miss ——. I really don't know just when she came, and I was at the hospital at the time she returned from the country. That was in the fall.

Representative CARTER. Can you estimate how long it was?

Miss ——. I was there all winter during the year of 1911, and she came along about October.

Representative CARTER. And when did she leave?

Miss ——. She was sent to this hospital—the Maternity Hospital in Philadelphia—along about Christmas time.

Representative CARTER. In 1911?

Miss ——. Yes, sir; or February, and she was not there two weeks when she had her child; and I guess after she was able she was sent home. Mr. Friedman was going to allow this girl to stay here at this hospital and have her child, and of course all this time the students were laughing about it and taking it as a joke. Some of the girls got up a petition and took it to Mr. Friedman, but he did not pay any attention to their pleas about this thing; but finally they got up a petition and got the girls to sign it, asking for this girl to be sent to some hospital in Philadelphia. Of course, after he saw this petition, he had the girl taken to the hospital; but I think that if the girls had not got this petition he would have left her here; and, of course, that would have been some disgrace to this institution.

The CHAIRMAN. There is no doubt. That is a very embarrassing and regrettable incident. Wherein do the young ladies blame Mr. Friedman for that? What do they think he should have done that he did not do or that he did do that he should not have done?

Miss ——. I should think he would have sent this girl home as soon as he found out she was this way. Instead of that he kept her here at the hospital and had her promenading from the hospital to his office.

The CHAIRMAN. And then, when she was sent home, the entry in the record was a false one?

Miss ——. Yes, sir.

The CHAIRMAN. As to the reason?

Miss ——. Yes, sir.

Another incident is ——. She worked for the Warners, while her sweetheart was a photographer down here. Of course, he was an Indian boy, and he was studying the photograph trade. I worked at Warners myself, and —— was working up there, and she was left alone, I suppose. Mrs. Warner had gone to Harrisburg, or somewhere else, and Mr. Warner was attending to his duties around on the grounds, and this young man went over there and paid her a visit, and Mr. Weber saw him go in there, and he knew that the Warners were not home, and he reported it to the headquarters up at the office, and Mr. Friedman said it was all right, there was no harm. Shortly after that that girl was sent home in disgrace.

Senator LANE. Where was she from?

Miss ——. She was from Wisconsin.

Representative CARTER. She was a student at that time?

Miss ——. She was a student.

Representative CARTER. What was she? A Chippewa?

Miss ——. Yes, sir.

Representative CARTER. Are you a Chippewa?

Miss ———. Yes, sir.

That is about all about expelling. Of course, these other girls had reasons for being expelled. They were put down "expelled," and some, "failed to return."

The CHAIRMAN. Do you know why that is done? Do you know what the reason is for making that false record?

Miss ———. The only way I can see is that Mr. Friedman has expelled so many students with such little reason he is ashamed to put down on the record "expelled."

The CHAIRMAN. But in at least some of these cases the expulsion was imperative. What is the motive, if you know it, or can explain it, for not stating the actual reason for the expulsion?

Miss ———. As the girls were expelled, I guess he saw he had expelled some girls without reason, and when he came to the real reason he was so ashamed to put down what the reason was——

The CHAIRMAN. He thought that to disclose the real facts in connection with that would reflect upon the students of the school?

Miss ———. Yes, sir.

The CHAIRMAN. Now, I take it you are a representative student here, from your appearance and manner, and the fact that you act as one of this committee. How long have you been in this school?

Miss ———. I am going on my fifth year. I came August 27, 1909.

The CHAIRMAN. Have you had any trouble in the matter of discipline since you have been in the school?

Miss ———. No, sir; I have always tried to carry myself as a lady.

The CHAIRMAN. And you have never been disciplined seriously?

Miss ———. No, sir.

The CHAIRMAN. What is the estimation in which the superintendent is held by the young lady pupils in the school?

Miss ———. Well, as a rule, I don't think you will find one out of every ten of the girls that have any respect for Mr. Friedman—or for his wife, as far as that is concerned.

The CHAIRMAN. Both of them lack the confidence and the respect of the pupils?

Miss ———. Yes, sir. In the first place, his wife is not the woman that ought to be on the grounds for we girls to follow the example, because the way she goes around here on the campus sometimes is simply disgraceful. We girls have seen her time and again when the boys were playing on their instruments over here, when they happened to be coming from the club she would go out here and skirt-dance and kick until you could see up to her knees. Mr. Denny was standing there one time when she was performing these acts.

Senator LANE. Was her husband around?

Miss ———. Once, that I remember of. He was coming up here when he had just come out of the dining hall, and he was coming up, and he called out to her, "Oh, honey, I will pay for it," and she said, "I have paid for it already." And it just happened some of the boys were playing on their trombones, and she started on her skirt-dance, and she went on—well, she carried it a little too far, and after Mr. Friedman got up on the porch they started to play peek-a-boo around those pillars there, and they acted what I would call silly for a man that was ruling over the students that are here.

They went in, and they have presented such conduct at our evening gatherings here on different occasions.

Senator LANE. You know of occasions, you say, when they set that kind of example before the students?

Miss ———. Yes, sir. At these dances when the orchestra is playing Mrs. Friedman goes around with her skirt up to her knees. Anybody could tell you that she has presented herself in that respect.

Representative STEPHENS. Was he there?

Miss ———. Yes, sir; he was there, and he would go around. And the way Mr. Friedman yells at the girls—he does not speak to us like a gentleman should speak to young girls that he was trying to make ladies of. He would yell, "Hello, there," instead of saying "Good morning," or tipping his hat. He would talk to us as if we did not have any manners.

The CHAIRMAN. And those instances have caused the young ladies in the school to lose all respect for him?

Miss ———. Yes, sir. Another incident: One day I was coming over from one of the teacher's rooms, and there was several girls playing on the band stand, and he happened to be coming up on this farther walk, and he was coming down the middle walk, and these girls were playing. Of course, that is the only recreation time we have, after school. And it happened they were playing up there puss-in-a-corner, and they were screaming and enjoying themselves. And he said, "Oh, there, you savages," or, "Oh, you savages"—he called them savages anyhow, and I thought it was very rude of him.

Another time as I was coming up the steps, he said, "Hello, there," and I spoke to him. I said, "Good evening." He went on; I don't know where he was going. That is not the only time he called the girls savages.

The CHAIRMAN. What age are you?

Miss ———. I am 19. I will be 20 next month.

The CHAIRMAN. You eat with the pupils in the dining room, do you?

Miss ———. No, sir; at the big dining room.

The CHAIRMAN. Where the young lady students eat?

Miss ———. Yes, sir.

The CHAIRMAN. What about the food that is being served over there?

Miss ———. The food we have been having lately is somewhat better than it has been.

The CHAIRMAN. Since when?

Miss ———. Since Mr. Linnen has been there.

The CHAIRMAN. Since the inspector came?

Miss ———. Yes, sir.

The CHAIRMAN. Can you tell us in what particular it has been improved?

Miss ———. For a while here we students were not allowed a second helping of bread at all. Of course, we girls do not need it as much as the boys, because the boys work harder, and they do not allow the boys as much bread—well, in fact, the whole student body did not have enough bread at all. And there would be lots of bread in the kitchen, as one of the boys stated.

Representative STEPHENS. What do they do with it?

Miss ———. I don't know. And when we asked the dining-room matron she said that was Mr. Friedman's orders. He would call them up and give them instructions. When we asked Mr. Zeamer about the bread he said, "That is Mr. Friedman's orders."

The CHAIRMAN. What is one helping?

Miss ———. Two plates on each table.

The CHAIRMAN. And how many ladies?

Miss ———. Ten at each table.

The CHAIRMAN. How many pieces of bread are there on it? What I am trying to get at is whether they were making a reasonable allowance.

Senator LANE. More than one slice apiece?

Miss ———. Sometimes just one slice.

Representative STEPHENS. How large a piece would that be?

Miss ———. About that large, I suppose [indicating].

Representative STEPHENS. About 3 inches square?

Miss ———. Yes, sir.

Representative STEPHENS. How thick?

Miss ———. Just the way the girls cut it—sometimes an inch thick.

Representative STEPHENS. Never over an inch thick?

Miss ———. No, sir. Lately we have been having two or three vegetables.

Senator LANE. That is something unusual?

Miss ———. Yes, sir; that is unusual.

Representative STEPHENS. Since when did you get vegetables?

Miss ———. We have canned tomatoes, canned peas, corn—since Mr. Linnen has been here.

As to knives and forks and spoons, we have not had them until yesterday morning, I think it was.

Representative CARTER. You had to use your fingers?

Miss ———. We use our bread to sop up our gravy. When a girl would get through with her spoon, if we happened to have a dessert we would wash it out in our cups and use that.

Now, about Mr. Stauffer. Last spring he bought a mandolin from one of the girls, and this mandolin was a \$25 mandolin; that is, with a leather case, and the instrument. And the girl, while she is a good player on the instrument, she wanted the use of the mandolin herself, and she wanted to buy this mandolin, and she made arrangements with the girl, and the girl was going to sell it to her for \$5, and she was willing. The mandolin had a little repairing to be done. She had it all that summer, and then she took it to Mr. Stauffer, and Mr. Stauffer had it, and sent away and had it repaired, and this girl told Mr. Stauffer she was going to buy this mandolin, and he asked her for how much, and she told him \$5.

Miss Bradley was the one that wanted to buy this mandolin. In the meantime Miss Bradley spoke to the owner of this mandolin and told her she need not pay any attention to the repairs, that she would pay for them, and this girl was going to sell it for \$3 without the repairing. So this girl, Miss Bradley, wrote to her father and explained the matter of the mandolin to him and told him how much she was going to pay for the mandolin, and her father wrote and told her not to take advantage of the girl, and so she wrote again and

told him about \$15 was what she was going to pay. In the meantime her father wrote, and he was going to send her the money.

In the meantime Mr. Stauffer got hold of this Miss Simpson and told her he wanted to buy the mandolin. "Of course," he says, "it will be sometime before Miss Bradley will pay you," or something like that. He made some kind of excuse. So this girl gave him the mandolin, and he paid her right there cash \$5. And this fall when he organized a new mandolin club for the year he sold this same mandolin, that he paid \$5 for, to one of the girls that had been out in the country—and I guess she had very little means herself—for \$15; and thereby he made \$10, when the girl was going to pay the full price herself. And Mr. Stauffer told Miss Bradley about it. Of course, Miss Bradley could not do anything about it then. She had to drop it then.

Representative CARTER. Miss ——, you made a very serious charge there against Mrs. Friedman, and I want to ask you, Is she always in those moods, doing those things?

Miss ——. Every time I see her she is carrying on somewhat simple. She does not carry herself as a woman ought to for us to follow an example by, but she always has those simple ways about her.

Representative CARTER. Is she always in that hilarious mood of wanting to kick?

Miss ——. Yes, sir.

Representative CARTER. Nearly all the time?

Miss ——. Yes, sir.

Senator LANE. Is that just animal spirits?

Miss ——. I guess so.

Senator LANE. Full of life, is she?

Miss ——. Yes, sir. They always talk about we girls and the way we comb our hair, and using powder and paint, and some of the girls see Mrs. Friedman with this paint and powder, and blacking her eyebrows, and I think if she does it they ought not to blame us. Of course, you could not blame any of the girls that see anyone with high authority over there doing such a thing.

The CHAIRMAN. That Mr. Stauffer that you referred to—do you know of his beating a young lady pupil here?

Miss ——. I heard of it.

The CHAIRMAN. What was her name?

Miss ——. ————.

The CHAIRMAN. Is she here now?

Miss ——. Yes, sir.

Senator LANE. Who is he?

The CHAIRMAN. He is the bandmaster.

Representative STEPHENS. Is he still in the school?

Miss ——. Yes, sir.

As to the lockups. When Miss Ridenour puts the girls in there she gives them very little exercise and very little fresh air, and very little water or food to eat and drink.

The CHAIRMAN. What does she give them?

Miss ——. Just what they get in the dining room, but not as much as they would get if they went to the table. This lockup is in the back part—what we call the sky-parlor hall. It is a very dark room, and there is no ventilation there at all. It is anything but

sanitary. There is only one window, and that leads into the uniform room, and one or two windows are left in that uniform room, but our uniforms collect all the fresh air.

The girls that I stated being put in there for meeting these boys, at the time they were in there, they did not have enough water the greater part of the time they were there, and the girls in the next room had to pour water through paper funnels these girls had made, and that is the way they had enough to drink. Whereas when the other matron was here—Miss Gaither—she showed the girls some respect, and she talked to them as a mother would, and during the day she would let the girls go down to the laundry and work—and of course, the girls got plenty of fresh air and exercise—and in the evening they would go back to the lockup and stay there for the night. She did not keep them there a week, but two or three days. We girls thought it was a disgrace then, when Miss Gaither was here, to put anyone in the lockup, but since Miss Ridenour has been here we girls have not looked at it in that way.

The CHAIRMAN. How many young ladies or girls have been confined in the lockup during the last school year?

Miss ———. I am sure I could not tell, but there is more than all the while Miss Gaither was here.

The CHAIRMAN. How long was Miss Gaither here?

Miss ———. She was here three or four years. Anyhow, she was here before I came; she was here all the while I was here up to last spring.

The CHAIRMAN. Do the rules of the school prescribe what offenses shall be punished by confinement?

Miss ———. No, sir.

The CHAIRMAN. That is left to the matron, is it not?

Miss ———. Yes, sir.

The CHAIRMAN. For what offenses are the girls usually confined in the lockup?

Miss ———. Miss Gaither——

The CHAIRMAN. I mean now.

Miss ———. Oh, for "sassing," and different things like that. And sometimes Miss Ridenour is really to blame for the girls sassing her, because she really does not speak to we girls as a matron ought to. We realize that she has 200 or 300 girls to look after, but at the same time she ought to treat us as our own mothers would, for that is the intentions of her being here. And instead of that she nags at the girls and snaps at us when we go to ask her for anything, until it is just through fear that we go to her.

I think the other girls have more to say.

TESTIMONY OF MISS ———

The witness was reminded that she had been sworn.

The CHAIRMAN. Where are you from?

Miss ———. My home is in Kansas.

The CHAIRMAN. How long have you been in Carlisle?

Miss ———. Two years in December.

The CHAIRMAN. What is your age?

Miss ———. I was 18 in December.

The CHAIRMAN. What do you want to present to the commission?

Miss ——. I want to talk more about the expelling. When I came here Miss Gaither was the matron. Of course, Miss Gaither—we used to go to Miss Gaither and confide in her and tell her our troubles, and she was willing to tell us what to do, to tell us the best thing to do, and help us in every way she could. And we girls loved Miss Gaither.

Representative CARTER. When did Miss Gaither leave here?

Miss ——. Last January.

Representative CARTER. A year ago?

Miss ——. A year ago.

Representative CARTER. Where is she now?

Miss ——. In Phoenix, Ariz.

Representative CARTER. Why did she leave here?

Miss ——. They said she did not control the girls right, what I heard.

So Miss Gaither used to always talk to us girls. When we heard Miss Gaither was going to leave us, everybody—the girls all cried, they felt so bad she was going away. When she told us she was going away, of course, we did not want her to go, and we asked her where she was going. She told us one time she did not have the support of Mr. Friedman. In the spring, when I came here, there was—I can name the girls, but I can not count them: ———, ———, ———, and ———— they made dates with the boys, and the boys came over to the girls' quarters and met them in an empty room.

The CHAIRMAN. When was that?

Miss ——. In the spring I came here; that was 1912, I think it was.

The CHAIRMAN. Are there many other instances of that sort that come to the knowledge of the young lady pupils that you hear of?

Miss ——. There is not many, but there is a few.

The CHAIRMAN. What suggestion have you young ladies who want to preserve your own reputation and the reputation of the school blameless, for the prevention of those things? What do you think ought to be done that is not being done?

Miss ——. We think they ought to be expelled. We think we do not want to associate with such girls.

The CHAIRMAN. You regard that as the most serious offense that could be committed?

Miss ——. Yes, sir.

The CHAIRMAN. And instead of expelling the girls for mere displays of temper, or what they call impudence, a premium ought to be placed on refined moral conduct by expelling those who are guilty of lax morals?

Miss ——. Yes, sir.

The CHAIRMAN. Do you know of cases where those things have occurred and where there has been no serious discipline of the offenders?

Miss ——. This is just the case I am trying to tell you about. These girls met the boys for quite a while, and Miss Gaither wanted the girls to be expelled, and Miss Gaither asked the girls what we thought about it, and we told her that we thought that the girls ought to be expelled, and Mr. Friedman did not expel them. They were sent home, and one girl, ——— ———, was charged with forgery.

It was up in town, and they sent her home, but did not expel her. She was in the courts down town, or in Harrisburg, and the school got her clear of that. Then she went and got in this trouble, and they did not expel her. She went home.

The CHAIRMAN. Were all the young ladies in that trouble you referred to—meeting young men in the vacant room—were they all permitted to go and sent home without expulsion?

Miss ———. I think so.

The CHAIRMAN. Do you know of other cases that you want to present?

Miss ———. When Miss Ridenour came here, of course these girls were here, some of these girls were here that were in this, and of course Miss Gaither did not have the support of Mr. Friedman, and when Miss Gaither was here there was another case of a boy meeting a girl, and her name was ——— ———, and the boy came to this girl's room. They did not find it out—Miss Gaither did not find it out, and the day Miss Gaither found it out—the next day this girl was going to go to Philadelphia to sing in some kind of church meeting. The day before she was to go Miss Gaither took this case up to Mr. Friedman, and Mr. Friedman became angry with Miss Gaither and said she should not have brought that case up until after the girl came back. We think Mr. Friedman used to let those girls go because they had some accomplishment in a certain way; he wanted put them up before the public and represent them as the school's best.

Senator LANE. She had a good voice, had she?

Miss ———. She had a good voice; she had a loud voice. But Miss Gaither would not consent to this girl going, so she did not go. She was expelled, though.

Representative STEPHENS. Did they send her home?

Miss ———. Yes, sir; she was expelled.

There is another girl out in the country now. Her name is ——— ———. She ran away from here. I don't know just when she ran away, but they caught her, and she went to the country, and when she was in the country she ran away, and I guess she was loafing around the highways; she was on a track, and she met a tramp, and she was with a tramp a couple of days. She stayed all night with him in the barn. And some people took it up, and she was brought back to the school and put in the lockup, and Miss Gaither wanted her expelled, and Mr. Friedman would not expel her.

Senator LANE. How old was she?

Miss ———. She is 16 or 17.

Miss ———. She is out in the country now.

The CHAIRMAN. Still in connection with the school?

Miss ———. Still in connection with the school.

I want to say a little about the general feeling. The girls do not like our matron.

The CHAIRMAN. Why?

Miss ———. She treats us mean.

The CHAIRMAN. She is not congenial to you, and I believe you stated she would not receive your confidence?

Miss ———. The girls here are afraid of her. They won't go to her. Of course, we realize that some people are gifted with quick tempers, but she always snaps us up when we go to her.

The CHAIRMAN. She does not invite your confidence, and does not give you that friendly supervision that you believe you are entitled to?

Miss ———. No, sir.

The CHAIRMAN. But you did appreciate Miss Gaither?

Miss ———. Yes, sir; the girls all loved Miss Gaither.

Senator LANE. Were there more cases of immorality during Miss Gaither's time than there has been since then, or not?

Miss ———. The case that the lady told you about—the girls are still here yet.

Senator LANE. Is the percentage of immorality on the increase since Miss Gaither left, or is it about the same? Were all these cases you have told us about when Miss Gaither was here?

Miss ———. No; there has not been so many, but we girls think that would not have been so if Miss Gaither had had the support of Mr. Friedman.

Representative STEPHENS. If he had supported her and expelled the girls—

Miss ———. Yes, sir. But there has been one case. When Miss Ridenour came here—of course, she has been around, and she talked as if she would stop everything like that, but there was a case after she came.

Representative CARTER. Do you know how many?

Miss ———. No, sir; I do not.

Representative CARTER. Quite a good many?

Miss ———. No; there has not been so many. I just think of that case that the girls told me about.

The CHAIRMAN. You think that if severe penalties were promptly enforced against young ladies who offend against the moral proprieties, that would tend to prevent the frequency of those incidents?

Miss ———. Yes, sir.

The CHAIRMAN. You think that is the remedy for it?

Miss ———. Yes, sir. We girls do not agree on putting girls that are impudent in the same class as those immoral cases. And the girls do not respect our matron. They do not respect her.

The CHAIRMAN. What sort of quarters have the young lady pupils? Are your quarters satisfactory?

Miss ———. Yes; we have very nice rooms.

The CHAIRMAN. Is domestic science taught in this school?

Miss ———. No, sir.

The CHAIRMAN. What do you learn here? What do you study?

Miss ———. We go to school, and we take sewing. We choose—we can go to the laundry, we can take sewing—

The CHAIRMAN. You have no opportunity to learn housekeeping?

Miss ———. We can work in the house.

The CHAIRMAN. You are not taught that?

Miss ———. No; you are supposed to go to the country.

The CHAIRMAN. On your outing parties?

Miss ———. Yes, sir.

Representative STEPHENS. Do you know anything about cooking?

Miss ———. Yes; but they do not teach it here; they do out in the country.

Senator LANE. Were you out in the country?

Miss ———. Yes, sir.

Senator LANE. What did you do?

Miss ———. Most everything.

Senator LANE. Housework?

Miss ———. Yes, sir.

Senator LANE. On the farm?

Miss ———. No, sir.

Senator LANE. In the city?

Miss ———. Yes, sir.

Senator LANE. What salary did you receive for that; what compensation?

Miss ———. The first year I went out I went to Ocean City, and I got \$12 a month, and the last time \$10 a month.

The CHAIRMAN. What work were you assigned to at Ocean City?

Miss ———. I took care of the house and did the washing and ironing.

The CHAIRMAN. Who were you with?

Miss ———. George Patten, of Philadelphia.

The CHAIRMAN. Of whom did his family consist?

Miss ———. Why, he, his wife, and a little girl, and a grandmother and an old maid aunt.

The CHAIRMAN. Were they refined people?

Miss ———. Very refined.

The CHAIRMAN. Did they treat you well and were you pleased with your service among them?

Miss ———. Yes; they treated me very nice.

The CHAIRMAN. Did you feel you were benefited by that experience?

Miss ———. Yes, sir.

The CHAIRMAN. Who selected the home for you to go to?

Miss ———. Miss Jennie Gaither.

The CHAIRMAN. The outing agent?

Miss ———. No.

The CHAIRMAN. How long has Mrs. La Flesche been here?

Miss ———. I do not know. She was here when I came.

The CHAIRMAN. What is her position?

Miss ———. I do not know what you call it. She gets the homes for the girls.

Representative CARTER. Did you know anything about the young lady that was in jail down in Carlisle during the holidays--was there a young lady in jail?

Miss ———. Down town during the holidays?

Representative CARTER. Yes.

Miss ———. No; I do not know anything about that, only what I heard. That is another case. Who met the boys in the girls' quarters.

Another thing we do not approve of. We do not think cases like that ought to be taken outside and be made public, and go to court every time. We think there are ways they can punish the students in a way without taking them and letting the public know about such things.

Representative CARTER. Was she punished for what happened here on the school grounds?

Miss ———. She was in the lockup for awhile.

The CHAIRMAN. In the county jail?

Miss ———. Yes; in the county jail.

The CHAIRMAN. With the general criminals?

Miss ———. I don't know.

Representative CARTER. Was it for something that happened here on the school grounds?

Miss ———. For something that happened here on the school grounds.

The CHAIRMAN. Do you know who made the charge against her and had her confined in the jail?

Miss ———. I think Miss Ridenour did.

Senator LANE. What has become of the child now? Where is she?

Miss ———. I am sure I don't know.

Senator LANE. How old a girl is she?

Miss ———. I don't know her very well.

Miss ———. 18.

Senator LANE. Mr. Rupley states that under the laws of the State of Pennsylvania the offense for which this young lady was imprisoned was what is commonly known as fornication, and under the laws of Pennsylvania is a crime punishable by fine and costs.

TESTIMONY OF MISS ——— ———.

The witness was reminded that she had been sworn.

The CHAIRMAN. Where are you from, Miss ———?

Miss ———. I am from Oklahoma.

The CHAIRMAN. How long have you been in this school?

Miss ———. I came here September 10, 1911.

Representative CARTER. What part of Oklahoma are you from?

Miss ———. When I left home my home was between the towns of Shawnee and Tecumseh, about the center part of the State.

Representative CARTER. What are you? A Pottawatomie?

Miss ———. Yes, sir.

Representative CARTER. What have you got that you want to tell us about?

Miss ———. I have the case regarding our religion. This last fall in September the Catholics were denied the privilege of going down to confession and communion. Since the time of Col. Pratt Catholic students have always been allowed to go to early mass alternately, the boys one Sunday and the girls the next. The early mass is at 8 o'clock. When we asked the reason why we were deprived of this privilege they said we had no chaperone. Well, since the time of Col. Pratt the Catholic students have always been allowed to go to mass in care of their officers, and that practice has been kept up from his time until last fall, and there never has been a case that we could trace back of any student making dates or doing anything wrong when they went down to early mass, and they have always been in the care of their officers.

When we asked where we would get a chaperone the matron told us that she did not know. Well, if we are deprived of going to mass because we have no chaperone, I should think it would be the superintendent's place to provide a chaperone for us, since he cut that out. On Saturdays we go to town every other week, the boys one week and the girls the next. We go to town in groups of three without a chaperone, and we are there, and we meet all kinds of people on the street, are in and out of the various stores, and in the moving pictures, and other places, without a chaperone. Now, because 15 to 30 girls

want to go to early mass to receive the sacrament and confession and communion, we are denied that right because we have no chaperone, but we are allowed to go to town without a chaperone.

The CHAIRMAN. How many Catholic girls are there in the school?

Miss ———. I could not say how many Catholic girls. The students are about half Catholics.

The CHAIRMAN. What is Mr. Friedman's religion?

Miss ———. He joined the church last fall. He is an Episcopalian.

Senator LANE. How many hours off do you have in the afternoon these every other Saturdays?

Miss ———. We go to town right after dinner as soon as we can, and are supposed to be back at 5 o'clock. That is another case I would like to speak about.

Senator LANE. What happens if you don't come home on time?

Miss ———. We get bad marks.

Senator LANE. How late can you return without getting into serious trouble?

Miss ———. Half past 5. When Miss Gaither was here—on our town days we go as soon as we can get ready and be back by 5.30. Before we were denied the privilege of getting down town on account of quarantine; the last time I was down town, there was quite a number of girls who were late. We did not get back until after 5 o'clock, but before 5.30, and Miss Ridenour taken our names. She did not tell us we had to be back by 5 o'clock. We always had the understanding we had to get back before 5.30; we did not understand we had to be back by 5 o'clock. And because we came in after 5 o'clock and before 5.30 our names were taken, and we were denied the right of one of our privileges; that is, she gave us our choice: We could either stay home from the next social, or stay home from our next town day.

Senator LANE. Which did you take?

Miss ———. I took to stay home from town the next town day.

Mr. Whitwell made out the calendar for this year, and he put in the calendar that these meetings should be held during the week between the hours of 7 and 8. I understand that those hours were changed from 6 to 7 o'clock by Mr. Friedman, and that was denying all the students who were at work between 6 and 7 the right of attending those meetings.

While Miss Gaither was here the Protestant students had their meetings on Thursday evening and the Catholic students on Wednesday. And she gave the girls substitutes that had to go to the religious meetings on the different nights. For instance, if the Catholic girls were working in the dining room the nights they were to go she would substitute Protestant girls on that evening, and the same way in the Protestant girls' case. But this year all those meetings after supper—say on Monday night, all the students who are at work can not go. They have to be deprived of that during that month.

Representative CARTER. Miss ———, what time do you have Catholic church?

Miss ———. Early mass?

Representative CARTER. I mean all along, different times during the day.

Miss ———. For early mass we have to leave here at 7 o'clock, and we have mass down there at 8 o'clock.

Representative CARTER. That is the first mass?

Miss ———. The first mass for the students.

Representative CARTER. When is the next?

Miss ———. Half past nine.

Representative CARTER. Then the next?

Miss ———. Well, we want to go to two masses.

Representative CARTER. You have your regular service at 11?

Miss ———. No; they have set a time for the students to attend, the 9.30 mass.

Representative CARTER. They do not object to your going to the 9.30 mass, do they?

Miss ———. No; that is the mass set for us.

Representative CARTER. You have to go to that one, and they won't let you go to the 8 o'clock mass?

Miss ———. The priests and sisters would not object for us to attend the 10 o'clock mass, but it is the regulations of the school to attend the 9.30.

Representative CARTER. But you want to attend the early mass?

Miss ———. We want the right of going to confession and communion on our different days whenever we are supposed to go, the girls one Sunday and the boys the next.

Senator LANE. You can go, though, to the 9.30 mass without a chaperone?

Miss ———. No; there is one Catholic woman on the grounds, and she chaperones the girls to the 9.30 mass. She is the only Catholic woman on the grounds, and it is too much for her to chaperone the girls at 8 o'clock, and we have to fast from midnight——

Senator LANE. That is the reason, is it? You want to get back and get something to eat?

Miss ———. It is too much on the students to fast from midnight until dinner time.

Senator LANE. That is why you object to it? On account of being deprived of your early meal?

Miss ———. Our complaint is it has caused them to stop us from going to early mass, because we had no chaperone, and yet since the time of Col. Pratt until last fall we have always went in charge of our officers and the girls have always conducted themselves as ladies.

Senator LANE. What else have you to say about the general welfare of this institution?

Miss ———. You have heard the —— case brought up. She was a girl that was not of a very good character. She had a very good voice, and she was taken out several times with the band, and on one occasion she sang for the governor in Harrisburg and was put as a model for the school. And she was also the star here at commencement time, 1912, I think it was, when she sang. When they put up girls of that character that is only leading weaker girls to evil doings, because they think if a girl of that standing can rise up and be put as a model before the school they also can do those things.

Senator LANE. You think it puts a premium on misconduct?

Miss ———. Yes, sir. If we have somebody to represent the school we want their character also to be recognized, because it is

reflecting on our characters as well; not only on we students that are now here, but those that come after us, and the whole Indian race. The public gets the impression that if that can happen to the girls here, all the school must be of a lower standing.

About _____'s case. You have something said about that. She is now on the outing system, and she was not expelled when she had good reasons to be expelled, while other girls were expelled for almost nothing. _____'s case—that started when they had the pageant in Philadelphia. There was a number of students went there to represent the school and the Indians. I understand they did not have a very good location, their boarding place where they stopped was not looked after in a proper way, the girls and boys were thrown in together, and that is where she got her start. After she came back to the school she kept it up. Then there was a request from Philadelphia from some church to send a delegation over there to represent the school.

Representative CARTER. When was it these girls and boys were sent to Philadelphia?

Miss _____. The time of the pageant.

Representative CARTER. Do you remember what year?

Miss _____. It was 1911, I guess.

Representative CARTER. Who were they?

Miss _____. Mrs. Meyers is one of them.

Representative CARTER. One of the chaperones?

Miss _____. Yes, sir.

Representative CARTER. What does she do. Is she one of the employees?

Miss _____. She was.

Miss _____. She was assistant matron at that time.

Representative CARTER. And she was with the girls at that time?

Miss _____. Yes, sir. And this is what we think about that. If Mr. Friedman made arrangements for them to go down to Philadelphia he should look after their welfare while they were there.

Representative CARTER. Undoubtedly he should. Where did they stay? At a hotel?

Miss _____. I don't know where they stopped.

Representative CARTER. Was there a chaperone with them?

Miss _____. I don't know whether she was with them all the time; I guess she was. I did not go myself.

Representative CARTER. Is there anybody here that was on that trip? There is a young lady here that knows about it.

Miss _____. I started to tell you about the time when they asked for a delegation or a music committee to go down to some church fair. I was selected as one of them. I do not remember whether it was a trio or quartet of girls. I was supposed to go down and play on the harp, and Fred Carden on the violin, and other girls were to sing. Mr. Friedman issued an order that Fred and I were not to go because we were Catholics, so I did not get to go that time.

Representative CARTER. Was that a written order that he issued?

Miss _____. He sent it to Mr. Stauffer. Mr. Stauffer was the one that told me.

Representative CARTER. He told you you were denied because you were Catholics?

Miss ———. Yes; because this place they were going was for a Protestant church. And the day before she was to go, Miss Gaither learned of ———'s trouble, and reported it to Mr. Friedman, and he became furious, and asked her why didn't she wait until after she came back. It just looks to me like they don't care what kind of girls they take to represent the school, just so they have a girl that is accomplished in some way. We want girls whose characters shine as well as their accomplishments do, because it throws a reflection upon us just as well.

The CHAIRMAN. What about the college spirit here at Carlisle?

Miss ———. The students do not seem to have much respect for either Mr. Friedman or Miss Ridenour.

Senator LANE. Are they proud of the institution?

Miss ———. I do not know. I can not speak for the rest of them, but for myself I would be ashamed to take my diploma away from here. I am a senior, and I don't know whether I will pass or not, but the way things are going now I would be ashamed to get a diploma, because the public are getting the impression we are not a good kind of people.

Senator LANE. I do not think so. I think Carlisle has a good reputation. So far as I know, I think the school is spoken highly of throughout the country.

Miss ———. That is my impression of it, but from things I have seen going on here I can not help that impression.

Miss ———. We think the school is misrepresented. Mr. Friedman writes stories that brags up the school, and we do not think it ought to be done that way. We think he misrepresents the school. He has used these girls with low characters just to make a name for himself. He has all these girls up in public, and it seems like he selects the very lowest girls to represent the school.

Miss ———. In connection with the religious subject, I think it is a regulation of the Indian schools that any Protestant should not proselyte any students to their religion or say anything about it to them. They have the right to believe any church they wish; and Mr. Stauffer has argued religion with me several times.

The CHAIRMAN. Has he much influence with you?

Miss ———. No; he could not have influence with me. That is not the point. It is because he has argued religion with me, and if I was weak enough to think his way he might have been able to influence me on his side, but if he can get hold of some student that is weaker than I am he is going to use his influence. He is going against the regulations of the Indian schools by proselyting, and it is not his business to talk about our religion.

The CHAIRMAN. Have you been going out on the outing system since you have been here?

Miss ———. Yes, sir. I was out last summer. My first summer.

The CHAIRMAN. Where did you go?

Miss ———. The first three months I was out I went to Brookline, a suburb of Philadelphia. The last three months I went to Morristown, N. J.

The CHAIRMAN. What did you do at Brookline?

Miss ———. Housework.

The CHAIRMAN. What did you do in New Jersey?

Miss ———. Housework; but it was much easier. When I went to the country I told Miss Johnson I wanted a home where I would not have to work very hard, because I had had a great deal of trouble with my back and I could not stand the work. When I got out there she told me just what I had to do, and the woman of the house did not know how to cook very much, and I don't know anything about cooking, and I was depended upon to do the housework and do the cooking. I did not know how to cook, and she could not teach me.

Senator LANE. Was there a husband in the family?

Miss ———. Yes, sir.

Senator LANE. He had some pretty poor grub, then, didn't he?

Miss ———. I don't know about that. Their food seemed to be all right, as far as that goes.

Representative CARTER. How did you like the places?

Miss ———. The first home I did not like; the last home I did.

Representative CARTER. You had too much work at the first?

Miss ———. I had more work than I could stand. I was not able to take up all that work. The first Monday I was there she told me I would have to help her with the washing. I told her I told Miss Johnson I could not do the washing, and Miss Johnson told me, too, I would not have to do the washing, and if I had any washing it would be very little. But when I got there the first Monday Mrs. Roach told me when I got there I would have to go down and help with the wash. I told her what I told Miss Johnson. I thought I would try it, anyhow, and I turned the wringer around once, and I knew I could not stand it, and I told her about this. She said I would not have to help with the washing, but I would have to help with the ironing. The last week I was there I worked very hard. The oldest child was about 14 and the youngest was about 2½ years old.

TESTIMONY OF MISS ——— ———.

The witness was reminded that she had been sworn.

Representative STEPHENS. Where are you from?

Miss ———. Oklahoma.

Representative STEPHENS. What tribe?

Miss ———. Osage.

Representative STEPHENS. What do you wish to speak about?

Miss ———. The rudeness and harshness of Miss Ridenour's manner, and the way she speaks to the girls, and the way she treats them. The majority of the girls at this school can not go to Miss Ridenour the way they would go to their mothers, because she speaks rudely to them. She does not give them time to explain or tell their side of the story until she snaps them off and probably gives them what they call a demerit mark for what she calls "impudence."

There is a little girl here, ——— ———, and I guess the way she combed her hair did not please Miss Ridenour. Miss Ridenour told her to change it, and she took her hair down and combed it and tied it. She went upstairs into her room and took her hair down and combed it the way she wanted it, and she came downstairs and Miss Ridenour slapped her right and left and told her she would have to do what she wanted. She rules most of the girls in that way. When she was out

in Phoenix, I guess she was used to ruling the full-blooded Indians, and when she came here she did not realize that the most of the girls were not full-blooded Indians. Of course, she should not treat the full-blooded Indians any different from the others.

Another case is ———'s case. She went to the reception, and one of her friends asked her if she would not sleep with her. Miss Ridenour inspected during the night, and she struck ——— with a strap and woke her up. She could have awakened ——— up in a nice way instead of pounding her.

The CHAIRMAN. Was she in a different room from the one she was supposed to stay in?

Miss ———. She was in my room; she is my roommate, but she was in the wrong bed.

The CHAIRMAN. The regulation is that only one shall sleep in a bed?

Miss ———. Yes, sir.

Miss ———. The ——— girls that were expelled from here last spring, ——— had just come in from the country. She had a sore foot. They had a circus down town, and the student body was allowed to attend the circus. It was a very windy day, and the tents were flying, and the man in charge of the circus tent told Miss Ridenour that she should not let the girls take seats until she saw everything was all right. Miss Ridenour told the girls they should not take seats, and then again she told the girls they should. ——— started to get a seat, and she walked up to ——— and shook her, and got after her for trying to take the seat. And her sister walked up and said, "Miss Ridenour, ——— has a sore foot, and if you want to shake anybody around here I would rather you would shake me." And Miss Ridenour, in public, when the people were all around there, she threatened to break an umbrella over their heads if they did not keep quiet, and she brought them back to school, and put them in the lockup, and finally expelled them.

Representative STEPHENS. Expelled them from the school entirely?

Miss ———. Yes, sir.

Senator LANE. How long ago was this?

Miss ———. Last spring, in the month of May.

Representative STEPHENS. Were all these girls expelled?

Miss ———. No, sir; just the last case.

Representative STEPHENS. What else have you?

Miss ———. While Miss Gaither was here she had an office girl—the office girl did not always do it, but the assistant matron and the office girl and Miss Gaither used to take turns inspecting the girls' rooms during the day, and each girl that did not have her room clean used to get a demerit mark, and in that way—they would also put up a notice on a bulletin board that a certain girl's room was not clean. As it is, we never have inspections, only the Sunday inspections, and it is natural that some of the girls would fall short on keeping their rooms clean if they do not have to. As a general rule, the most of them keep their rooms clean, but there are those who do not, whereas if we had general inspections every day perhaps they would keep their quarters in better condition.

When the girls are sick she does not speak to them like she ought to. My own case—I was sick one time. I did not feel like working or

going to school. I walked down to the office and told Miss Ridenour in a nice way that I was sick, and asked her if I could not be excused. She spoke up and told me in a very harsh way that she did not allow sick girls to hang around the girls' quarters, and she would send me to the hospital. I told her, "Very well." They have the idea around here that the girls play off when they get excused from work, so they sent me over to the hospital. I went over there and they put me to bed, and they did not give me anything all day but a bowl of soup. They usually keep the girls over there all day. When I came back to quarters that evening I had to ask for medicine. They did not give me anything at all but the bowl of soup for dinner.

Representative STEPHENS. Were you examined by a doctor?

Miss ———. No, sir. The next morning I was sick and I went down to the dispensary and I asked the doctor what the hospital was for; that I was over there all the day before. He said he did not know I was over there, and that if he had known he would certainly have done something for me. I supposed Miss Ridenour would have told him.

Representative STEPHENS. Have you any complaint against the doctor?

Miss ———. No, sir; we have a very nice doctor.

Representative STEPHENS. These circumstances you have related, did you make them known to Mr. Friedman?

Miss ———. No, sir. I did not think it would do any good to present such facts. It seems as though he is right in with Miss Ridenour, and it would not do any good. Take, for instance, any time the girls want to get permission to do anything. He will send them right back to Miss Ridenour, as if she was the head of the school. Take New Year's Day. The girls wanted to go skating. Miss Ridenour said she had not any orders, that she would notify them when she had. She was not taking any steps toward getting orders. The girls wanted to go skating, because they had not had any privileges. The boys were enjoying the skating, while the girls stayed home. They felt that this one day would not be much of a sacrifice for the boys. The girls came the second time to ask if they could go skating, and Miss Ridenour said she had not had any orders yet. They went to Mr. Friedman, and while they were there the phone rang, and it was Miss Ridenour, and the girls came down and she reprimanded the girls in a very harsh manner for taking the steps they had taken, and she told the girls she had asked before when they knew very well she had just phoned over.

Representative STEPHENS. Do the girls generally have respect for either Mr. Friedman or Miss Ridenour?

Miss ———. No, sir; they do not.

Representative STEPHENS. For what reason?

Miss ———. Miss Ridenour never treats the girls right. She never trusts the girls. She should take into consideration that the girls here are young ladies; they know how to conduct themselves. She can see that there are some that do not care to conduct themselves in a right way, but the majority do. She does not even trust them with the other employees here. If you ask to go to an employee's room she will ask you whom you are going to see——

Representative STEPHENS. Why do you distrust Mr. Friedman then?

Miss ———. Well—nobody has any respect for him.

Representative STEPHENS. What is the cause of it?

Miss ———. For instance, last spring they were having a little trouble here about cutting out the different gatherings they had, and Mr. Friedman called the girls down to the gymnasium and got them all down here, and they began to holler and hiss, and he could not get them quiet, and he lined them up in companies, and as soon as one company would stop, another would start, and he would call them down.

He got them quieted down, and he gave them a talking to, and he came out in plain words that the faculty were not their friends because they wanted to be, they were paid to be, and also on that evening he called us "savages."

Representative STEPHENS. Were there any other persons present besides the girls?

Miss ———. The student body and Miss Ridenour. When Miss Ridenour first came, the first evening she was at Carlisle she did not speak to the girls nicely at all. She came in the assembly and spoke to them in a very harsh manner. She left an impression, but, however, it was not the right kind. No girl can go to her. For my part, I think a lady who is placed over several hundred girls should be a lady of more delicate qualities. I guess she feels as long as Mr. Friedman is back of her, that she is just as good as the superintendent himself.

Representative CARTER. You mean she speaks to the employes in a dictatorial kind of way, or that she does not use proper language that should pass between ladies and gentlemen?

Miss ———. She does not speak to them as a lady should. Miss ——— is here, and she was present at the time Miss Ridenour spoke about Miss Canfield in a very unladylike way. Miss Canfield is an employee——

The CHAIRMAN. What do you mean by "unladylike" way?

Miss ———. You go to her and ask her a question; you would think you were going to get your head bit off.

Representative CARTER. She speaks roughly and abruptly?

Miss ———. Yes, sir.

The CHAIRMAN. Were you on that trip?

Miss ———. No; I was going to say that there were some girls who were present. C—— M—— was one of the girls to go to the pageant.

The CHAIRMAN. Any others that you know of?

Miss ———. No, sir; I think that she is the only one.

TESTIMONY OF MISS ——— ———.

.The witness was reminded that she had been sworn.

Senator LANE. Where are you from?

Miss ———. Minnesota.

Representative CARTER. You are a Chippewa?

Miss ———. Yes, sir; I have the same subject as Miss ———, about how Miss Ridenour treats the girls.

Senator LANE. Tell us what you know.

Miss ———. She does not seem to treat the girls right when they first come. Some new girls just arrived here some few weeks ago.

I guess she thought they did not know very much, and she did not make them feel at home. They had a chaperone that came with them, and she just came from town, I think, and they were going down there to meet her, and I guess she thought they were running away, and she jerked them by the arm, with the boys out on the campus and everything, and she slapped one of the girls.

Senator LANE. How old was the girl?

Miss ———. I do not know how old the girls are. They must have been 18 or 19 years old.

Senator LANE. In public was it?

Miss ———. Yes, sir; down on the main walk.

Senator LANE. They were just coming here?

Miss ———. They were here already. They had been here about a day or two.

Senator LANE. Is she a heavy, muscular woman?

Miss ———. Miss Ridenour? Yes, sir; she is. Whenever they would see this chaperone they would go to meet her. They were crying all the time, and instead of trying to make them at home or getting the girls together, like Miss Gaither would—when new girls came she would tell the girls to go in and entertain them, and she has never done that with any new girls. She starts to scold them right away, the first day they get here. That does not make them feel very good. She could have talked to them in a different way than that.

Of course, Miss ——— has told you about her slapping those girls in bed.

None of us girls ever feel like going to Miss Ridenour with any of our troubles——

The CHAIRMAN. That complaint seems to be quite general among you, and it does seem that Miss Ridenour must be tactless, to say the least, in not having the confidence of some of the young ladies. Did you ever try to win her confidence and affection? What has been the attitude of the young ladies in the school in that regard? Did it ever occur to you that she might have a pretty hard road herself?

Miss ———. When Miss Ridenour first came she did not speak to us girls as if she was glad to come here or anything, but she snapped right at us, and, of course, that gave us the impression that she was not the kind of a woman to rule over girls. We know that Miss Ridenour has a record of good discipline, but she did not exercise her discipline in the right way when she first came. From that time she has just nagged at the girls.

The CHAIRMAN. You say that when new pupils come here she does not make an effort to make them comfortable?

Miss ———. Not that I know of.

The CHAIRMAN. But censures them, and does not treat them kindly?

Miss ———. Yes, sir. I know most of the girls feel that way toward her. When they get into trouble at all they fear her. They would not tell her like they would in former years, like they did with Miss Gaither. She would take us to her room and explain right and wrong, but we do not feel that way about Miss Ridenour.

I know there was a time when we went to get that permission to go skating. I was the one that went and asked. It seemed that the boys had the privilege to go down and skate for a whole week, and

the girls had not had permission, and I thought the boys ought to sacrifice one day for the girls, as the girls had been kept in the house so much. So I went down and asked her, and she snapped me off, saying, "I have not had any orders for you to go skating." Of course, when we want anything like that we might as well stay out of the office all together.

The CHAIRMAN. How about the feeling toward Mr. Friedman? Could you go to him with your troubles?

Miss ———. I have not thought much about it. He would send me back to Miss Ridenour; I think so.

The CHAIRMAN. What is the feeling generally among the young ladies toward Mr. Friedman?

Miss ———. Well, I guess——

The CHAIRMAN. Do they like him?

Miss ———. I do not think any of them that I have heard. Nearly every girl I know seems to dislike him. They do not seem to show any respect toward him.

Something about music: Some of the girls came here—I know I came here with the impression we could take music—piano lessons or something. I was anxious to take lessons and I went to Mr. Stauffer. The first year I came here I went to him and asked him if I could take music lessons and he said he would take my name. He took my name, and he never let me in. So then I let it go and my mother kept writing to me telling me I ought to take music lessons. I asked him again this year to take my name and he said he would take it, and he did. I have known lots of girls, and he has taken other girls in—new girls—and he has left me out. This is my third year here, and he has never given me a chance.

Senator LANE. Why?

Miss ———. I don't know why.

Representative CARTER. Does he have the naming of the music pupils?

Miss ———. Why, I don't know. I have heard it said that he does not want to take anybody in unless they are advanced in music.

Representative CARTER. Who selects the pupils that take music?

Miss ———. Nobody that I know of.

The CHAIRMAN. Are they permitted to take it when they want to?

Miss ———. I know the catalogues say we can take music if we come here.

Senator LANE. You appeal to him because he is the music teacher?

Miss ———. Yes, sir.

The CHAIRMAN. Did you ever bring the matter to the attention of the superintendent?

Miss ———. No, sir; I have not.

The CHAIRMAN. Why don't you do that?

Miss ———. I just neglected. He has sent girls to Mr. Stauffer. I have known girls that went to him and he said, "See Mr. Stauffer."

The CHAIRMAN. What interest does he take in the school—Mr. Friedman? What does he do about you?

Miss ———. I do not know. I could not answer that, I guess.

The CHAIRMAN. What class are you in?

Miss ———. I am taking business.

The CHAIRMAN. Are you a graduate of the school?

Miss ———. No, I am not. I finished at home in the eighth grade.

The CHAIRMAN. How often do you see him about your class rooms?

Miss ———. Sometimes once in three months he comes around. He comes into the rooms.

The CHAIRMAN. What does he do when he comes to the rooms? I mean to the study rooms. What does he do when he comes there?

Miss ———. He comes in there and asks how you are getting along and how long you have been there.

The CHAIRMAN. How many girls are there in the business department?

Miss ———. There must be eight or nine.

The CHAIRMAN. Who is at the head?

Miss ———. Miss Moore. She stays downtown.

The CHAIRMAN. You think he comes around about once in three months and asks how you are getting on?

Miss ———. I could not say it is once in three months, but he has not been in there very often.

The CHAIRMAN. How long have you been in there?

Miss ———. Three years now.

The CHAIRMAN. How long does he stay when he comes around, as a rule?

Miss ———. About five minutes, as a rule. He comes in and takes off his hat, and Miss Moore shows him papers and he walks off.

Representative CARTER. What are you taking? Stenography?

Miss ———. Yes, sir.

Representative CARTER. How long have you been taking it?

Miss ———. Three years. Miss Moore was just a student herself. She started in there, and she had a large class and she had to teach each one individually. It was kind of discouraging at first. Of course I have been in the hospital quite a while since I came, and I went home last year before commencement, and I missed about three months.

Representative CARTER. You have been in the hospital? Your health is bad?

Miss ———. It has been. I caught cold and I was over there three weeks at a time.

The CHAIRMAN. I believe we have one more witness yet.

TESTIMONY OF MISS ——— ———.

The witness was reminded that she had been sworn.

Senator LANE. Where are you from?

Miss ———. Michigan.

Representative CARTER. What tribe?

Miss ———. Chippewa. My subject is the feeling of the girls in general. The feeling of the girls in general toward Miss Ridenour is anything but kindness. It seems we can not go to her as we would like to go to a mother and speak to her about our troubles because of her rude manner of speech and thoughtlessness of others' feelings. On many occasions when we want something we go in the office and ask her for it in a kindly way, and she never gives us a nice answer, as she should. One time I went in there asking for some ink, and I

did not get it. She gave some of her answers, and I came out without getting the ink.

Representative CARTER. Miss ——, is this feeling universal among the students, or are there some of the students that this matron likes and some that like her?

Miss ——. No, sir; I don't think you will find many. Very few.

Representative CARTER. Are there any at all?

Miss ——. I don't think so.

Representative CARTER. Not a single one?

Miss ——. I don't think so.

Representative CARTER. They are all opposed to her?

Miss ——. All opposed to her.

Representative CARTER. Even these girls that the other young ladies have told about, who have committed infractions of the rules for which they should be expelled, they do not like her?

Miss ——. None of them.

Representative CARTER. What is the feeling toward Mr. Friedman?

Miss ——. It seems they have no respect for Mr. Friedman—the manner in which he talks to us like savages and all that.

Representative CARTER. He does not have any respect for an Indian, you think?

Miss ——. I mean the students.

Representative CARTER. I say, you think Mr. Friedman does not have any respect toward an Indian?

Miss ——. From my standpoint, I don't think so.

Representative Carter. Do you think when he is calling them savages he is really in earnest about it, or is just joking?

Miss ——. It does not seem that way.

Representative CARTER. These fellows here sometimes call me a savage down at Washington, but I never got very mad at them about it.

Miss ——. Another thing about Miss Ridenour: We have not any recreation hours here, whereas when Miss Gaither was here—the former matron—we had two nights out of each week to go to the gymnasium to play in there, and ever since Miss Ridenour has been here we have never had a night. The only exercise we have is going to school and to work. When we ask her to go to the gymnasium for exercise she says, "Go to work; that is enough exercise." That is the answer we get.

Representative CARTER. Have you anything else, Miss ——?

Miss ——. I think not.

The CHAIRMAN. What about the food?

Miss ——. There has been a great change since Mr. Linnen has been here.

The CHAIRMAN. He has helped that much, has he?

Miss ——. We have had enough bread, I know, since he has been here.

The CHAIRMAN. I think that is all. I thank you very much.

Thereupon, at 11 o'clock p. m. the commission stood adjourned to meet to morrow, Saturday, February 7, 1914.

FEBRUARY 7, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Carlisle, Pa.

The joint commission met in the Y. M. C. A. hall at the Carlisle Indian School, Carlisle, Pa., at 8.30 o'clock a. m.

Present: Senators Robinson (chairman) and Lane; Representatives Stephens and Carter.

TESTIMONY OF MR. WALLACE DENNY.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are assistant disciplinarian at the Carlisle Institute?

Mr. DENNY. Yes.

The CHAIRMAN. How long have you been so engaged?

Mr. DENNY. Since 1907.

The CHAIRMAN. Were you at the school or in any wise connected with it prior to that time?

Mr. DENNY. I was a student.

The CHAIRMAN. How long were you a student in Carlisle?

Mr. DENNY. Ten years.

The CHAIRMAN. Where were you from when you came here?

Mr. DENNY. Oneida, Wis.

The CHAIRMAN. Are you a full-blood?

Mr. DENNY. Well, I do not think so; I think about seven-eighths, or something like that.

Representative STEPHENS. Of what tribe are you?

Mr. DENNY. Oneida, of Wisconsin.

The CHAIRMAN. Have you, during the time you have been employed here served in the same capacity you are now serving?

Mr. DENNY. Yes, sir. Assistant disciplinarian.

The CHAIRMAN. You have been, I presume, familiar with conditions in the school during your whole time as assistant disciplinarian?

Mr. DENNY. Yes.

The CHAIRMAN. What are the general conditions now prevailing at Carlisle with reference to discipline and good order among the pupils?

Mr. DENNY. The discipline in our school here has been very poor; very poor.

The CHAIRMAN. Is it improving, in your judgment?

Mr. DENNY. Growing worse.

The CHAIRMAN. How long has it been growing worse? How long has that condition existed?

Mr. DENNY. I should say from one to three years.

The CHAIRMAN. Who is the chief disciplinarian?

Mr. DENNY. Mr. McKean.

The CHAIRMAN. To what do you attribute the bad order and its increase in the school? What is the cause of this lack of discipline that is growing worse?

Mr. DENNY. Going a little way back—

The CHAIRMAN. You may state anything you desire.

Mr. DENNY. We had a superintendent here—Maj. Mercer, and during his time the pupils were allowed to dance as many as two to

three times a week, and just a general good time, and that lasted four years. When Mr. Friedman came here he reduced those social privileges at the school, and it seems that the pupils have turned against him ever since. It seems to me the pupils were here just to have a good time. We have students here—more students 15 to 20 years of age, and of course they just looked at the fun and good time. Mr. Friedman, the superintendent, got to the point where he gave one reception during the month, and one sociable. Well, then they just thought he was against them all the time, and he put harder work in their school. He substituted from a quiet hour to a study hour—regular school work in the evening and less sociable.

And their meals—they do not get a very good meal here. I must admit that, because I was detailed in the dining room. Every third day I go in there.

The CHAIRMAN. As I understand you, the following are among the causes: First, the curtailment of social privileges; second, an increase of the students' work—

Mr. DENNY. Well, harder work.

The CHAIRMAN. Harder work; third, the poor meals that are served them; and, fourth—

Mr. DENNY. I want to mention the fourth. I do not know whether this will come under that, but the fourth is that the employees do not work in harmony with the superintendent. I am safe to say that about three-fourths of them are against the superintendent; in fact, perhaps more. And those employees—I have heard it myself—have discussed freely the superintendent's work before the students, and of course, that arouses them.

The CHAIRMAN. Now, there is a feeling of general hostility on the part of the students and on the part of the greater part of the employees toward the superintendent?

Mr. DENNY. Yes.

The CHAIRMAN. You have explained some of the reasons that have caused this feeling on the part of the pupils toward the superintendent. Now, what is it that has so arrayed the employees against him? Why is it they do not cooperate with him?

Mr. DENNY. The superintendent, his intentions are all right, as far as I know. He has got his heart in the work, and he is a hard worker; but it seems to me he is unfortunate; he is not a man that appeals to people.

The CHAIRMAN. He can not secure the confidence of the pupils and the employees?

Mr. DENNY. Yes; that is it; I can not express it.

The CHAIRMAN. What do you think is the remedy for these conditions? You may express yourself freely. What can be done? Is it necessary that something be done about the school; and if so, what do you think ought to be done?

Mr. DENNY. Yes. The only thing that has got to be done—that is, you have got to change the head.

The CHAIRMAN. Got to get a new superintendent?

Mr. DENNY. Yes; a new superintendent, or something has got to be done, to tell you the truth.

The CHAIRMAN. What do you think of the school in its general conditions and work? Do the pupils take hold of their studies with interest?

Mr. DENNY. Yes; those I have, they take hold of their work; but of course—I can not tell you, but there certainly is funny atmosphere around here.

The CHAIRMAN. Now, would you characterize that atmosphere? Is it one of mutiny or mere dissatisfaction and discontent?

Mr. DENNY. Dissatisfaction.

The CHAIRMAN. The dissatisfaction is general, is it?

Mr. DENNY. Yes.

The CHAIRMAN. Now, you have referred to the meals not being satisfactory when you were detailed to the dining room. I wish you would be a little more explicit about that and tell wherein they were not satisfactory. What did they serve, and how was it served?

Mr. DENNY. As far as I could see—I walked around the dining room, all over the dining room, and we are short of grub, we are short of bread; everybody would be asking for bread, and before the matron comes they tell the students there is no more bread in the dining room, and we know that there is plenty of it in the bakery shop. There is plenty of it in the cupboard, but they are allowed just so much. Then we go to work and tap the bell to get them quiet, and at the tap of the bell begin to send them out. They are dissatisfied and kind of unruly. I don't say they are bad, but they are hungry, and it is a mighty hard thing to please them.

The CHAIRMAN. Now, you are a man of experience and had long been a student at the school before you were an employee here. You say you believe a sufficient quantity of bread has not been served to the pupils, and they were forced to go hungry on that account?

Mr. DENNY. Yes.

The CHAIRMAN. Why is that true? Bread is cheap. Do you understand why the policy of the administration of the school permits a condition like that?

Mr. DENNY. I did try to trace it back, and pretty near got into trouble about it. I went right straight to the superintendent and I reported, so he called a meeting, I think, twice—yes; twice—and they tried to look into it. It included the quartermaster, the cook, the matron, the dining-room matron, and the girls' matron, and the large boys' disciplinarian, and Mr. Stauffer, the music teacher, and the baker, and they tried to remedy that. It went all right a day or so, and then went right back. The quartermaster says to the superintendent he is allowed to feed them just so much, and he is going to stay at that limit.

The CHAIRMAN. Who fixes the limit?

Mr. DENNY. He told me that there is a rule set for them, and he can not go beyond that. The reason why I took this up to the superintendent, because I know something is going to bust in the dining room—something is going to give somewhere.

The CHAIRMAN. There is great dissatisfaction there, and you think there is liable to be serious trouble about it?

Mr. DENNY. Yes; I realize—for instance, there is 10 large boys weighing from 150 up to nearly 200 pounds, 10 at a table, and they are growing, from 18 to 21, and they need to eat a lot more than I do, because I have stopped growing and those fellows are just growing. They have lots of life and lots of exercise outside in the air.

The CHAIRMAN. Their period of life calls for an abundance of food, of course?

Mr. DENNY. Yes.

The CHAIRMAN. And they do not get it?

Mr. DENNY. They do not get it.

The CHAIRMAN. Have you noticed the service there with reference to knives and forks and cups? Has there been trouble about that?

Mr. DENNY. Yes.

The CHAIRMAN. Tell us what it is.

Mr. DENNY. I complained to the dining-room matron about it, and she says she could not get it.

The CHAIRMAN. You mean there was not a sufficient supply of them?

Mr. DENNY. They have them here at the storehouse, as far as I understand.

The CHAIRMAN. I mean in the dining room.

Mr. DENNY. In the dining room they do not have enough, and, of course, the boys—the boys, they are not going to eat the proper way. They are going to make the best of it. Excuse me, I started to make a statement a while ago that the boys realize—they say in a report that Congress appropriated \$170,000 or \$172,000 for the school, and we have plenty of hogs here at the school, and they are sold. They realize that.

The CHAIRMAN. Are the products of the farm here used on the table, or are they sold?

Mr. DENNY. We use all of the vegetables right here. They can them in the fall, and then they used them to the students.

The CHAIRMAN. What about the meats?

Mr. DENNY. The hogs are sold, and, of course, they do not butcher here any cattle. The cattle we have here they use for butter and milk.

The CHAIRMAN. How often do they serve butter here?

Mr. DENNY. I can not say. I suppose about twice a week or three times a week. In summer time they serve more, because then they do not have so many students.

The CHAIRMAN. How often do they serve milk?

Mr. DENNY. I do not think they give them milk.

The CHAIRMAN. Do they get any eggs?

Mr. DENNY. No; we do not have any chickens. There are a few.

The CHAIRMAN. They do not serve any eggs on the table?

Mr. DENNY. No.

The CHAIRMAN. What are the moral conditions in the school? Is there much drinking among the boys?

Mr. DENNY. There has been.

The CHAIRMAN. Is it increasing or growing less?

Mr. DENNY. It has been better this year than it used to be, but the moral condition of the school here—it is better—well, it is a little better than I have known that it was, than what it ought to be.

The CHAIRMAN. What is the drinking attributable to? Is there much drunkenness?

Mr. DENNY. No. Those pupils that are drunkards before they came here are the ones that are carrying on that.

The CHAIRMAN. What do you do with a boy when he gets drunk?

Mr. DENNY. Put him in the guardhouse. We have a guardhouse for that purpose.

The CHAIRMAN. How long do you keep them there, as a rule?

Mr. DENNY. I tell you my position here. I am in charge of the small boys, and of course they do not get drunk.

The CHAIRMAN. You do not get any of those?

Mr. DENNY. That just runs to the large boys. As far as I know, I think, from one week to 10 days, or something like that.

The CHAIRMAN. What are the regulations of the school with reference to the punishment of the boys under your jurisdiction? What right have you to punish them and what kind of punishment are you authorized to inflict?

Mr. DENNY. Well, I have locked them up at times when it is necessary for a few days. I had one drunk this fall, and I locked him up, I think, about a week or so.

The CHAIRMAN. Do you whip them?

Mr. DENNY. Mr. Friedman gave me orders, and I don't whip them any more. They are sometimes a little tart, you know, and I put them across my knee and spank them.

The CHAIRMAN. What is the name of the boy that was said to have been struck by your fist and hit by a ring above the eye here?

Inspector LINNEN. The boy who testified, his name was Braun.

Mr. DENNY. That was Ira Cloud. The boy came back here—he served here five years. He paid his own way, and when he got back here he went to the hospital. Right away he had chicken pox, and he was unruly in the hospital, and they could not control him. Of course, as soon as they released him I got him back, and before I had a chance to put him in the shops at his trade I kept him around the quarters, and I could not make him work. I can not put him to work. Well, while he works, he will shirk, and during the summer he told me himself he was drinking heavily—he was doing as he pleased. He has not got a father—well, he has a father, but not a legal one.

When I did go for him I asked him what was the reason he was doing this, and he told me that he paid his way back to Carlisle and could do exactly as he pleased—a boy about 17 years old. I told him to do the work, and he deliberately refused. I tried to put him to work in the afternoon, and he went to the store. I sent for the boys and we got him back, and he was very impudent to me. He showed fight right away, and we had a regular boxing match.

The CHAIRMAN. Did he strike you?

Mr. DENNY. Yes; right straight in my face. I was not ready; he could not have hit me if I was ready. He certainly did soak me.

The CHAIRMAN. You struck him when he struck you?

Mr. DENNY. I struck him, and I locked him up for a day.

The CHAIRMAN. Did you knock him down?

Mr. DENNY. No; he went backward.

The CHAIRMAN. Did you have on a ring that cut his eye?

Mr. DENNY. No; only this one here [exhibiting a plain band ring].

The CHAIRMAN. He struck you first?

Mr. DENNY. Yes; he struck me first.

The CHAIRMAN. There were some other boys that you were said to have struck and knocked down a stairway. You remember that?

MR. DENNY. Yes: I threw him down stairs. We had a kind of little insurrection here. One night the lights went out, and I got my officer around the quarters there to control the door, and the boys liked to jump out of the quarters, carrying on high. It was on a masquerade night. I was standing in the hallway. There was no lights, and they threw a stone—they knew where I was standing. They threw a stone and just happened to miss me, and they threw coal, in there near my office. It was pitch dark. I came out on the porch. One of the boys back in the quarters he came up on the porch, and he hit me with all his might, and he jumped back in the quarters. I saw the boy. I recognized him at once, and I went up, and he lied to me, and I told him to come down in the office. Referring to this boy—James Kalawat—he came from jail to Carlisle, right from jail, and I always had trouble with him ever since he has been here.

The CHAIRMAN. When you went back there——

MR. DENNY. I brought him down and we had a tussle. I told him to come down in the office. I wanted to see the boy—what was the object of his hitting me like that. I brought him down; I got him down the steps, down the stairway, and got him down in my office by force. We had to tussle. He was a pretty good-sized boy. This was last fall.

The CHAIRMAN. You were trying then to suppress disorder?

MR. DENNY. Yes, sir; to suppress insurrection at the school. The large boys went to work and they tore the bleachers down. They cut Mr. McKean's head that very same night. Somebody hit him with a stone.

The CHAIRMAN. What did that boy hit you with?

MR. DENNY. He grabbed hold of the stuff that was lying up there in that trash box. I saw him running there, and the boys told me about it, but I did not lock them up because they threw everything down. I was trying to catch the boy.

The CHAIRMAN. Are you charged with any responsibility for the conduct of the larger boys?

MR. DENNY. No; I am not. I went by here last week and a fellow on the third floor hit me with a chair—just missed my head. That is the condition we have here. I have never done anything to the larger boys. That is the attitude we have here toward those who are trying to control the boys. For my part, I am trying to control those boys. I myself admit I have some pretty bad boys.

The CHAIRMAN. Have you thought of a plan to stop so much drinking in the school among the pupils?

MR. DENNY. The only way you could stop that is to have a standard. Before the pupil would enter the school you would have some standard——

The CHAIRMAN. And not admit drunkards and drinkers to the school?

MR. DENNY. Yes, sir.

The CHAIRMAN. You think they do not contract the habit of drinking here, but contract it before they come here?

MR. DENNY. Before they come here. That has been proven in every case.

The CHAIRMAN. If it is true that the drinking habit is not contracted here but is contracted before the student comes, your suggestion would seem to me to be a very intelligent one, because it would prevent a demoralization that naturally results to refuse to admit pupils who have a record for drinking. Do you know whether any effort is made to ascertain the habits of boys before they are admitted to the school?

Mr. DENNY. Not to my knowledge.

The CHAIRMAN. Anybody is admitted without regard to his record?

Mr. DENNY. Yes; we have some desperate cases here.

I want to make a suggestion here. This drinking goes on here, and a kind of insurrection is always started by something like what we call the "white trash" here, boys with just a little Indian blood. Like bootlegging—those boys could put their citizens' clothes on and go to town in any saloon and get the whisky and bring it back here and give it to the boys, or give it to them in town.

The CHAIRMAN. How many of that class of boys are in the school?

Mr. DENNY. Not so very many. I could not say in round numbers.

The CHAIRMAN. Don't you think that by calling the attention of the officers to these boys the persons who sell liquor in the town could be prevented from furnishing them liquor?

Mr. DENNY. You can hardly tell. The bartenders in town will not—I know there is not one bartender that will whisky to an Indian boy.

The CHAIRMAN. If he knows it?

Mr. DENNY. Yes.

The CHAIRMAN. It would seem that if the officers could become acquainted with the boys in school who have so much white blood in them that there in no noticeable Indian blood, it might be very easily prevented.

Mr. DENNY. Yes. I give you an instance. This Louis Braun that was here last night I sent the boys in full uniform to chapel with the rest of the students. That Louis Braun sneaked out back of my quarters, and another large boy, a white boy, a cousin of his, passed him his citizen's clothes through the window, and he was changing his clothing to leave the grounds for the night. These are the kind of characters we have here.

The CHAIRMAN. Is Louis Braun among the tough boys in the school?

Mr. DENNY. No; not really. He has never done wrong here. He goes to school all day and eats and sleeps largely.

The CHAIRMAN. What is the relationship between the superintendent and the bandmaster?

Mr. DENNY. A very close friend, as far as I could understand.

The CHAIRMAN. Does he appear to exert any influence or control over the superintendent?

Mr. DENNY. Yes.

The CHAIRMAN. In what particular?

Mr. DENNY. Well, his suggestions; the suggestions that he makes; his general stand. This bandmaster is just a bandmaster; he is not a disciplinarian, but he is taken in about the discipline of the school.

TESTIMONY OF MRS. NELLIE ROBERTSON DENNY.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the wife of the assistant disciplinarian?

Mrs. DENNY. Yes, sir; of the small boys' quarters.

The CHAIRMAN. Were you formerly employed at Carlisle yourself?

Mrs. DENNY. Yes, sir.

The CHAIRMAN. In what capacity?

Mrs. DENNY. I entered as a teacher, taught four years, and then I was clerk and assistant clerk for eight years, and in charge of the outing system for two years.

The CHAIRMAN. Do you live on the school premises?

Mrs. DENNY. Yes, sir.

The CHAIRMAN. How long have you lived there?

Mrs. DENNY. You mean, taking my time as a student?

The CHAIRMAN. All together, yes.

Mrs. DENNY. All together, I came here in 1880.

The CHAIRMAN. Have you been here practically continuously since?

Mrs. DENNY. I was three years at home and about four years at a normal school, but while I was at the normal school my name was kept on the rolls here.

The CHAIRMAN. Are you familiar with conditions prevailing in the Carlisle Institute?

Mrs. DENNY. Pretty well.

The CHAIRMAN. What is the condition here with reference to discipline among the students? Is it good or bad? How do the pupils esteem the superintendent and what is the relationship between students as a whole and the superintendent?

Mrs. DENNY. I think they do not like him in the first place and they do not seem to be afraid of him.

The CHAIRMAN. Do they respect him?

Mrs. DENNY. They do not respect him.

The CHAIRMAN. How long has this condition been prevailing in the school.

Mrs. DENNY. It has been growing. I can not say just when it started, but last year and this year it has been pretty bad.

The CHAIRMAN. What are the moral conditions?

Mrs. DENNY. Pretty good now among the girls. Of course, I can not tell very much about the large boys.

The CHAIRMAN. Do you hear of much drinking among the boys?

Mrs. DENNY. Yes, sir. Not among our boys.

The CHAIRMAN. The larger boys?

Mrs. DENNY. No. The small boys. We have had only one drunk in small boys' quarters this year.

The CHAIRMAN. What ages are embraced within the small boys' quarters?

Mrs. DENNY. I think from 8 or 9 years up to about 20. Some of our officers are about 20 years old, I think.

The CHAIRMAN. What are the characteristics of the disorder that you observe and hear of among the pupils?

Mrs. DENNY. One of them is drunkenness, and going to town without permission and not in uniforms as they are required to be. Well, that is what I can see outwardly.

The CHAIRMAN. Have you seen or heard manifestations of discourtesy or disrespect from the students to the superintendent?

Mrs. DENNY. Just lately I heard.

The CHAIRMAN. Tell us about it.

Mrs. DENNY. I think it was Mr. Denny that told me about it. I forget where I got my information.

The CHAIRMAN. You do not know of your own personal knowledge?

Mrs. DENNY. No.

The CHAIRMAN. Well, you need not state it then. Have you observed how the children are clothed and fed?

Mrs. DENNY. I have heard that they have not always had enough food, and in my experience while I was outing agent I know they do not get sufficient clothing while out.

The CHAIRMAN. When was that?

Mrs. DENNY. This was about two years ago.

The CHAIRMAN. What about shoes?

Mrs. DENNY. In very bad condition. We had more requests for shoes from outing pupils, but they refused to furnish them. They said they had used up their allowance, and consequently they either had to take their earnings or patrons would give them shoes.

The CHAIRMAN. Have you ever visited the dining room while pupils were being served?

Mrs. DENNY. Not recently. I have now and then taken visitors in there.

The CHAIRMAN. Is the complaint general among the pupils that they are not properly fed?

Mrs. DENNY. I have heard it from the girls, and I have heard it from the boys.

The CHAIRMAN. Do they complain they do not get enough bread?

Mrs. DENNY. Yes, sir; that is the complaint, and that the food is not always properly cooked. They have a sufficient amount, but not well cooked sometimes.

The CHAIRMAN. What is the general state of feeling on the part of pupils at Carlisle now toward the management of the school?

Mrs. DENNY. I think they are—well, discouraged.

The CHAIRMAN. Are they rebellious?

Mrs. DENNY. At one time last spring they showed very strong evidence of it. And this spring, too—of course I do not see this myself, but I heard that they were, and I know that last year that spirit was very strong, and now it seems to be. There is an under-current that we all feel, but we just can not explain.

The CHAIRMAN. What is the relationship between the superintendent and the employees? Do you know how they regard him?

Mrs. DENNY. There is great discord, I think, in a great many cases.

The CHAIRMAN. What do you think is the remedy for the conditions here?

Mrs. DENNY. It would be either the removal of several employees, or the removal of the head; one or the other.

The CHAIRMAN. One of those two remedies might prove successful in restoring order in the school and bringing better conditions?

Mrs. DENNY. I hope so; yes, sir.

The CHAIRMAN. Have you any antagonism or personal animosity toward the superintendent?

Mrs. DENNY. Not any.

The CHAIRMAN. Your relationship with the employees was pleasant?

Mrs. DENNY. Yes, sir; it is, and always has been.

Representative STEPHENS. Have you a bakery here in the school?

Mrs. DENNY. Yes, sir; quite a good bakery.

Representative STEPHENS. Where do they get their flour and materials?

Mrs. DENNY. I really do not know that.

Representative STEPHENS. Do they have any flour ground from wheat raised on the school farm?

Mrs. DENNY. I do not know that.

Representative STEPHENS. They raise vegetables on the farm, don't they?

Mrs. DENNY. Yes, sir; most of the vegetables are raised in the garden we have down here.

Representative STEPHENS. Are those used on the tables?

Mrs. DENNY. I think they are.

Representative STEPHENS. Do they make butter, and have you milk from the cows that belong to the school?

Mrs. DENNY. They have separated milk, I think, and butter about once a week, I have heard the girls say.

Representative STEPHENS. Do they sell any of the butter from the cows belonging to the school?

Mrs. DENNY. I could not say about that.

Representative STEPHENS. Do you know anything about the system of getting students here from all over the country? Do they send men out from this school to collect students?

Mrs. DENNY. Now and then they do; but I think most of that work is done by correspondence, which Mr. Meyer handles.

Representative STEPHENS. Mr. Meyer then writes to the reservations and parents of the children?

Mrs. DENNY. Yes; and to ex-students and graduates. He works through them.

Representative STEPHENS. Works through the students that have been here, and they collect the students that are sent here?

Mrs. DENNY. Yes; and then, I think the agents—I know that agents and other employees have brought several parties here.

Representative STEPHENS. Are they brought here against their will?

Mrs. DENNY. I do not think so. I do not think any pupils are received before they sign what they call an application blank.

Representative STEPHENS. Do you know anything about the girl that was beaten by Bandmaster Stauffer?

Mrs. DENNY. I heard about that last spring.

Representative STEPHENS. You did not see it?

Mrs. DENNY. I did not see it; no, sir; I do not know much about the circumstances.

TESTIMONY OF MRS. BERTHA D. CANFIELD, TEACHER.

The witness was duly sworn by the chairman.

Mrs. CANFIELD. I have been at Carlisle 14 years and in the Indian Service 20 years. My experience entitles me to stand in protection of these children.

Mr. Friedman has given his first attention to the outside appearance of the school, but there is nothing in buildings when the moral standing of the school is neglected.

He has used the good name Gen. Pratt made for the school to advertise himself. I feel that he is wholly unfit for superintendent, that he has neglected his duty to the pupils in talking to them and advising them.

Gen. Pratt never failed in talking to them each day and telling them what to do; helping them in ways that were uplifting in character.

The moral side of the school has never before been as low in the history of the school as under Mr. Friedman.

He failed to assist and cooperate with Miss Gaither in most serious cases of discipline with the girls.

He ordered Miss Gaither to go with the girls to the gymnasium. She protested, saying there was no one on duty at girls' quarters; that it was unsafe to leave the punished girls there alone. But at his request she was obliged to go; the result was that some boys got into girls' quarters and spent the evening with the girls.

—————, whose immoral character was well known, was one of these girls. After all this ————— was allowed to sing in public entertainments before the pupils and was taken to public places with the band, to Harrisburg to sing before the governor, and other public places, singing "Redwing" and dressing in Indian costume. This was done against the wish of the matron. Miss Gaither had requested before this that ————— be sent home. If the matron's wish had been complied with in the beginning, it would have been better for ————— and her associates.

At the pageant at Philadelphia a year ago last fall a number of these girls were taken for public display with a large number of boys. There was an excellent chaperone with them, but it was not safe for the girls to be out of her sight. The first downfall of one of our best girls occurred there. After her return to the school Amos Komah, one of the boys who was with her at the pageant, went to her room and spent the night. This was reported the next day to Miss Gaither. ————— was to go to Philadelphia again to sing, but Miss Gaither said she should not go with her permission. Mr. Friedman was very angry, just furious, that she had made the report until after she had been to Philadelphia and returned. Both Amos Komah and ————— were sent home, each to their own home without being compelled to marry.

—————, a returned student, came back to take telegraphy, but was not allowed to enter this department. They would have admitted her as a pupil; she refused to be admitted as a pupil in the regular school course; she would not sign for anything else except for telegraphy. She went to town to the hotel. The people at the hotel asked the school to see that she was removed from there. The disciplinarian was requested to take her to Harrisburg. This he did. Mr. Friedman refused to purchase a ticket to take her farther than Harrisburg. The girl said she had no money to buy a ticket to take her to her home. The disciplinarian gave her what change he had in his pocket, which was 40 cents, and told her to look up the Salvation Army headquarters for protection. So she was left unaided and unprotected in Harrisburg.

The superintendent has gone to the extreme in cooperating with Miss Ridenour, the present matron. Sixteen or more girls have been expelled within the past year. Some of these girls who have been sent home have been unjustly treated. _____, who had a good record in the country and here was a good little girl. So far as I know her only misbehavior was that she was impudent to the matron in defending her sister. Mrs. Posey, who saw the treatment of the child when she was expelled, said she would never forgive them for such treatment to the child.

_____, one of the girls who had graduated, was here taking the commercial course. She has made a good record and many friends. She was taken out of line, expelled from school, sent home immediately without chance for defense. The school should help and build up character rather than condemn these girls.

If the superintendent had done his duty it would not have been necessary to have expelled these girls.

Mr. Friedman gave Miss Gaither to understand that she had nothing to do with the discipline of the girls at the hospital, although at that time the discipline there was very lax.

_____ was here at the school taking training as nurse. After she graduated in the academic course and returned home she made known her condition and that Joseph Loudbear, one of the boys at school was the father of the child. The school did not compel Joseph to marry her although his conduct and record here had been such that no one doubted that what she said was true; instead he was recommended to be sent as an employee to some western school and he did not marry her until some Christian people followed the case.

_____, one of our favorite Alaskan girls fell the victim of a football boy: Sampson Bird met her in town on girls' day. The amusements, such as dancing and receptions, have been detrimental to the school as they have been carried to the extreme.

It is useless to maintain a school like this without having a strong moral Christian man at the head as superintendent. Mr. Friedman has never had the confidence or respect of the pupils. He does not work in sympathy with employes. When I have gone to him about matters concerning myself and the school he has told me to get out; that he would sign my transfer. He would talk in a loud tone, growl, and be heard by the orderlies all over the house; try to frighten and bluff us by such manners.

He posed as a friend to the Indians. At the time my third assistant, Mrs. Parker, resigned, October, 1913, I wrote to Mr. Friedman asking if I might put Ada Curtis in charge of the mending room under my supervision; that she was an all-day worker in the sewing room and had been an employee in the West and was a nice deserving girl and needed the money. I was informed by the office that pupils were not put in charge of work. I was ordered to put Miss Searight in charge of the mending, leaving her class, which was more important work, without a teacher. This showed his lack of interest in the pupil.

Without consulting me he sent Miss Ridenour, a stranger, to town to get a woman to act as assistant. He also sent her to town to buy 20 yards of material for dresses when we had material in stock.

Drunkenness: I have seen many boys brought home from town just as drunk as they could be. Under this administration there has been more intemperance than ever before.

I make these statements with the thought in mind that they may help to make conditions better for the school.

The CHAIRMAN. It seems that there has been recently quite a number of cases of young lady pupils in the school who have been unfortunate in the worst way possible. What do you attribute these incidents to, and what do you think is the remedy for it?

Mrs. CANFIELD. I think the first thing we need is a father over the school, or somebody whom the children will trust and respect.

The CHAIRMAN. What is the relation of the pupils in the school to the superintendent?

Mrs. CANFIELD. As I have stated, they never have had the proper respect for him, and no love for him whatever.

The CHAIRMAN. How does he treat them? What occasions that, in your judgment?

Mrs. CANFIELD. Well, he never has talked to them, never has been a father over them as he should have been, and he has evaded the responsibility.

The CHAIRMAN. Do you think it is due to natural temperament or indifference and lack of interest?

Mrs. CANFIELD. I think it is just lack of interest. It has impressed me so that it is.

The CHAIRMAN. How do Miss Ridenour and the young lady pupils of the school get along?

Mrs. CANFIELD. Not at all well. The girls are very unhappy under her. I think Miss Ridenour is a good worker, but she seems to be unfortunate as a mother over them.

The CHAIRMAN. There is a general state of hostility, is there?

Representative STEPHENS. What do you mean by "unfortunate"?

Mrs. CANFIELD. She does not seem to have tact with them. I think she has been accustomed to a very different class of girls from what she has here.

The CHAIRMAN. How about her temper and disposition?

Mrs. CANFIELD. She seems not to have very good control of her temper.

Representative STEPHENS. Does she have the confidence of the girls in any respect?

Mrs. CANFIELD. No; not at all. I am sorry to say she has not.

Representative STEPHENS. They do not consult with her about any of their troubles?

Mrs. CANFIELD. The girls say that when they go to consult with her she does not see them; she is not willing to consult with them.

The CHAIRMAN. You say there were sixteen girls expelled in less than —

Mrs. CANFIELD. That is just the ones that I have track of.

The CHAIRMAN. There may be more?

Mrs. CANFIELD. I do not know how many more. There may have been some sent home from the country.

The CHAIRMAN. What are the reasons principally for these expulsions?

Mrs. CANFIELD. They are mostly for immorality except three or four, ———— and ————.

The CHAIRMAN. What are the relations of the employees toward Mr. Friedman?

Mrs. CANFIELD. I think they generally feel that he is not capable.

The CHAIRMAN. Then there is no cordiality of feeling between the pupils and the superintendent or the employees and the superintendent?

Mrs. CANFIELD. No.

The CHAIRMAN. The relations are strained both as to the pupils and the employees?

Mrs. CANFIELD. Yes, except just a few employees.

The CHAIRMAN. Is the discipline in the school improving or growing worse?

Mrs. CANFIELD. Well, it is not any better. Things have been rather obstreperous the last few weeks.

The CHAIRMAN. Explain a little bit more in detail what you mean. Are the pupils resentful and rebellious or mutinous?

Mrs. CANFIELD. Yes, they seem to be rebellious, a good many of them. Boys have been drinking.

The CHAIRMAN. Do you know of loyal friends of the superintendent among the young men? Do you know who they are?

Mrs. CANFIELD. The pupils?

The CHAIRMAN. Yes.

Mrs. CANFIELD. No; I understood that William Garlow was. I do not know that he is a loyal friend, but I understand that he was ready to betray his fellows.

The CHAIRMAN. Now, you have supervision of the sewing department?

Mrs. CANFIELD. Yes.

The CHAIRMAN. How many persons are engaged in that department?

Mrs. CANFIELD. I have three assistants.

The CHAIRMAN. They detail girls to take instruction in that work?

Mrs. CANFIELD. Yes.

The CHAIRMAN. How many girls are usually detailed?

Mrs. CANFIELD. I have, I think, 42 in one division now, and 46 in another; 46 in the morning, and 42 in the evening.

The CHAIRMAN. Do they make pretty good progress in that work?

Mrs. CANFIELD. Some of them do pretty well. Of course, they are children, most of them.

The CHAIRMAN. What about the clothing that is supplied to children here? Is it sufficient and comfortable?

Mrs. CANFIELD. Yes, I think so. I think that the clothing is satisfactory, as far as I know. There is great destruction of clothing here.

The CHAIRMAN. Naturally, I suppose?

Mrs. CANFIELD. Yes.

The CHAIRMAN. Is the clothing of the small boys sent to you to be repaired?

Mrs. CANFIELD. Everything, except their trousers and coats. They are not sent to us. They used to be, however, and I do not know why they stopped sending them.

The CHAIRMAN. You never had any information about it?

Mrs. CANFIELD. No.

TESTIMONY OF MR. JOHN WHITWELL, PRINCIPAL TEACHER.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the principal teacher at Carlisle Institute?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. How many pupils are there in this school? What is the average daily attendance now?

Mr. WHITWELL. We have 816 on the roll. I have not a report on the average to-day.

The CHAIRMAN. Any given day that you have it for.

Mr. WHITWELL. At the present time all except eight are in attendance, so that there are on the roll about 708. There is 160 of those in the country.

The CHAIRMAN. How long have you been employed as principal teacher here?

Mr. WHITWELL. About six years.

The CHAIRMAN. What are your duties in a general way as principal teacher?

Mr. WHITWELL. Well, to outline programs for the whole school——

The CHAIRMAN. How many teachers are there under your supervision?

Mr. WHITWELL. There are 15.

The CHAIRMAN. All these you refer to now give class instruction, do they?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. What is the general state of the school with reference to academic work and progress in studies? Is it satisfactory to you, Mr. Whitwell?

Mr. WHITWELL. It never has been.

The CHAIRMAN. Do you think it is improving, or not?

Mr. WHITWELL. I have noticed an improvement, lately, due to the fact that I am now giving all of my time to the academic work, whereas for two or three years previously I was spending half of my time up at the office on clerical work.

The CHAIRMAN. Do you visit the various class rooms?

Mr. WHITWELL. Yes, sir; that is part of my duties.

The CHAIRMAN. How often do you get around?

Mr. WHITWELL. Well, I have no stated time to visit. Now, for instance, this last three days we have been writing compositions on "citizenship," according to instructions from the Indian Office. We had very explicit instructions, and I made a point to visit the rooms a little more during the writing of those compositions than I otherwise would. But, as a rule, my duties in the office and the demands made of me in the office, of course, you realize that every serious case of discipline comes to me, and I must be ready when they come. As a rule my office work keeps me from spending very much time in the class room. Then I have other ways of supervising the work of the teachers. Their work must come in daily, so I know what is going on in every room every day.

The CHAIRMAN. Do many cases of discipline come to you?

Mr. WHITWELL. Not many serious cases; quite a number of what I would consider—the teachers sometimes considers them serious.

The CHAIRMAN. To what do you attribute the fact that the progress in class-room work is not satisfactory?

Mr. WHITWELL. First of all, there has been considerable pressure put on the industrial work. One of my own main efforts as principal teacher has been to correlate the academic and industrial work, but still the superintendent, leaning almost entirely that way himself, has made it a little harder. Teachers have said to me that it seems he cares nothing about the academic side of it. Then the athletic influence too—the pupils do not seem to fully realize the advantages they have in that line.

The CHAIRMAN. You think undue prominence is given to athletics?

Mr. WHITWELL. Yes; I do.

The CHAIRMAN. Are pupils taken away from the industrial work and out of the classes for athletic engagements?

Mr. WHITWELL. Yes; they are taken directly, but there is more what I might call taken indirectly. For instance, if there were not so many boys on the football squads—our best boys and the boys best able to do the work—it would not be necessary to take students away from their half day in school.

The CHAIRMAN. How many boys are there on football squads, for instance?

Mr. WHITWELL. It would be hard for me to say, but I have seen five and six teams playing at once and a number on the side lines. It looks like practically the whole school is over there. I do not very often go over there to look at it.

The CHAIRMAN. Have they the baseball spirit pretty well developed?

Mr. WHITWELL. There is practically no baseball. They substituted "la crosse" for baseball.

The CHAIRMAN. Relative to the accounts of the pupils and the sending of checks. What have you to say about that?

Mr. WHITWELL. At one time after Mr. Friedman first came here he had me sign the pupils' checks. I signed them for him. As you can see, there is a large number of checks. For instance, every town day, as we call it, if it is a boys' day to go to town it is boys' checks, and if it is the girls' day to go to town it is the girls' checks. It took quite a little of his time and he had me sign those checks. The regulations were that they were not to draw more than one-half of their savings account—so much allowed each week. I kept on sending those checks until the time of the Pennsylvania game. Then there was an unusual number, more than four times as many as had been coming to me, and I inquired of the clerk, or made the remark, how it was there were so many and if all these were entitled to draw. He said, "Well, we pay no attention to the regulations for the Pennsylvania game; we allow them to overdraw. If they have any money at all we allow them to get it."

I studied that over and realized that that was hard on some of them. Of course, it was only natural they would want to go to the game whether they could afford it or not. Then I realized it was violating the regulations, and if I did it once I would establish a precedent, so I refused to sign them and explained to Mr. Friedman why. He says, "Well, that is nothing; somebody else will sign them."

The CHAIRMAN. Is it not a fact that pupils spend a considerable amount of their own money, that they can ill afford to spare, in railroad fare and personal expenses attending these football games?

Mr. WHITWELL. Not any extent, except the Pennsylvania game. There is a particular effort made then, because they charter a special car and they have to have so many in order to get the car.

The CHAIRMAN. What special privileges are accorded the boys on the football squads?

Mr. WHITWELL. Well, in the first place, they have a separate building. For instance, comparing the athletes with the officers, the officers have to room with the rest of the boys and take just what the rest of the boys take. The athletes have their own special building, specially furnished rooms, and their own training table, and they are looked up to quite different from an officer. An officer is nothing compared with an athlete, so much so that few boys care to be officers.

The CHAIRMAN. What effect does that have on the other pupils?

Mr. WHITWELL. It naturally leads the others to think that if they can get into athletics there is something to gain by it.

The CHAIRMAN. Do you know of instances of boys being put on the student roll, sometimes as employees, to play football?

Mr. WHITWELL. Yes; I do. Bruce Groesbeck was carried on the roll as an employee until the football season came. He was carried as a student during the football season. He was put back on the employees' roll after the football season.

The CHAIRMAN. Is there an agricultural department?

Mr. WHITWELL. No, sir; there used to be.

The CHAIRMAN. Why was it abolished?

Mr. WHITWELL. Well, there seemed to be nobody to push that side of it, and it seemed as if the superintendent did not care for it. Probably the trades were more in his mind at that time. I do not know.

Representative STEPHENS. When was it abolished?

Mr. WHITWELL. That must have been, as near as I can state, three or four years ago. We had an agricultural teacher and a nice department. The farms are over there now.

The CHAIRMAN. You used to have a department of telegraphy and a department of harness making?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. Why were those both abolished?

Mr. WHITWELL. Telegraphy practically abolished itself. It did not have any success. It was evidently a mistake to put it in. For instance, we had to give up one of our schoolrooms to it and put the class in a less desirable room. There were never more than five or six boys in it. The teacher could not be there more than an hour, and the pupils were resting the remainder of the time.

Representative STEPHENS. They still carry that in their catalogue?

Mr. WHITWELL. Yes; it is in the catalogue, and the agricultural department, too.

The CHAIRMAN. And harness making, too?

Mr. WHITWELL. Yes; and harness-making.

The CHAIRMAN. Do you know how the athletic fund is handled, in a general way?

Mr. WHITWELL. All I know is that we outsiders only know that four of them have anything to do with it—the superintendent, the football coach, our athletic director, and Mr. Miller, who keeps the accounts and is paid something for keeping them out of the athletic money; and then they are audited by John W. Ray.

The CHAIRMAN. Are additional salaries paid Government employees out of athletic funds?

Mr. WHITWELL. It is commonly reported so; and I know that when Maj. Mercer was leaving here he expected to retire, and he was fighting to come back; and he asked me if I would be willing to be assistant superintendent when he came back, and I said I preferred my own line of work. "Well," he said, "you can work over there, and I will see you get \$500 more out of the athletic money." So, I judge from that and I know from questions asked me by the coach—it seems he is in touch with those who draw salaries out of both places.

The CHAIRMAN. The coach occupies a Government building?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. And receives a salary of \$4,000?

Mr. WHITWELL. I do not know.

The CHAIRMAN. He is not a Government employee?

Mr. WHITWELL. No, sir.

Representative STEPHENS. What is his name?

Mr. WHITWELL. Glenn Warner, the coach.

The CHAIRMAN. Do you know the assistant quartermaster, Mr. Stewart?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. What are his habits with reference to drinking?

Mr. WHITWELL. Well, from rumors here and from what I do know, I would consider him a man of very poor habits.

The CHAIRMAN. What did he do that gave him that reputation? Did he drink?

Mr. WHITWELL. Yes; he drank. He was found drunk on the premises with one of our football boys.

The CHAIRMAN. Was he drunk on the grounds here, you say?

Mr. WHITWELL. Yes, sir; he was found drunk by Mr. Dickey.

The CHAIRMAN. With one of the football boys?

Mr. WHITWELL. One of the football boys.

The CHAIRMAN. What was his name? Do you remember?

Mr. WHITWELL. Gus Welch. He is not here now; he has gone home.

The CHAIRMAN. Stewart is not here either, is he?

Mr. WHITWELL. No.

The CHAIRMAN. What is the state of feeling between you and the superintendent?

Mr. WHITWELL. It is anything but what it should be.

The CHAIRMAN. It is not good?

Mr. WHITWELL. It is not good.

The CHAIRMAN. What caused that?

Mr. WHITWELL. Well, in the first place it is a pretty long story to give it to you as it ought to be.

The CHAIRMAN. Give it as briefly as you can.

Mr. WHITWELL. I doubt if there was ever any extra good feeling between us, although I was glad when he came here as superintendent, and even when others began to criticise him I stood up for him. When pupils wrote "the Jew" and such things on the blackboard, and the teacher reported it to me, I took it up before the whole student body, roasted them as well as I knew how, and tried to shame them. But, of course, he never took any great interest in academic work,

and I am an academic man, pure and simple, and, as I have tried to show, I have tried to correlate the industrial work with it.

We got along fairly well—that is, we had no serious trouble—until he began to run for Commissioner of Indian Affairs, I might say. It seems there had been a protest sent in against his appointment as commissioner on the grounds that he had falsified the attendance reports here. When I first came I had nothing to do with the attendance reports, although I had kept them at Haskell all the time I was there. Here it was arranged for in another way. A clerk in Mr. Miller's office had complete charge of it, and it did not fall to the academic department. So, I was somewhat surprised, when sometime in 1910, one of these reports, completed, was sent down to me to sign. I did not want to be obstinate, and while I thought it quite likely there were some names on there that should not be on it I did not have time to look into it. So, I simply signed the report and decided I would look into it before signing another if it was sent to me.

The next time it was sent again. Then I had made inquiries, and I asked the clerk who made it out—I said, "Are you carrying any names on here that are not present?" "Oh, yes," she said. Well, she was only a clerk, and not responsible for the reports, so I sent a note to Mr. Miller like this: "Is there any authority for carrying pupils on the roll who are no longer present? If so, I would be glad to sign the report. If not, I can not sign it, because I have had experience in these things before"—or something like that. I got no answer to the note. The report was signed by some other person. Then about a year from that time Mr. Peairs made an investigation and found a large number of students on the roll——

The CHAIRMAN. How many?

Mr. WHITWELL. If I remember right, it was pretty nearly 200, on the roll whose names should not have been there. I understand that he made a very detailed report in regard to it.

Well, that did not affect me, because I do not have anything to do with making the reports, but when Mr. Friedman was called to task for it he gave the making of the reports to me.

Now, there was nothing unreasonable about that; the principal teacher does that in other schools, although up to this time the thing had been planned in an entirely different way in this school. For instance, the attendance was kept by this clerk, and not only the attendance, but all the data. It was a historical record, and it was combined with the attendance, so it was impossible to separate one from the other.

I said, "I will have to take these reports over to my office." He said, "No; you can not do that, because we want to use them here." I protested, and said it would make it very hard for me to supervise my own work under those circumstances. "Well," he said, "we have to have this thing kept right," and I told him he could keep it. So I commenced then to keep those records in the financial clerk's office, the records that had been kept by a special clerk up to that time. Consequently, I was away from my regular work. I have kept those reports ever since. But about a year ago Mr. Friedman allowed me to have a duplicate set of cards made and keep the attendance only in my own office, and that is the way the academic work has improved, because I am here to look after it.

The CHAIRMAN. Now, Mr. Whitwell, the effect of representing the enrollment as largely in excess of what it actually was, if I understand the matter, was to make a better showing for the school as to expense per pupil than it actually would be under the facts?

Mr. WHITWELL. Yes; that is the idea. Every superintendent likes to show up a large enrollment. Then, at that time, he was running for commissioner—

The CHAIRMAN. In that connection, I am going to insert in the record a copy of the report of Mr. Peirce as supervisor, and you need not go into that in further detail at this time.

(The report referred to is as follows:)

REPORT OF CHARLES F. PEIRCE, SUPERVISOR.

CARLISLE, PA., February 20, 1911.

In comparing the actual attendance reports, as shown by the daily reports from the matron and disciplinarian, and the quarterly report for the quarter ending December 31, 1910, it became evident that there were many more pupils on the attendance report than were actually entitled to enrollment.

As shown by the quarterly report for the second quarter, the enrollment was 1,042 pupils, while the records of the matron and disciplinarian showed that there were actually on the premises at that time 645 pupils, in addition to 211 who were on the outing list. This left a discrepancy of 186 pupils, 96 of whom were carried as "On leave" and 90 as "Runners," some of whom had been absent from the school for nearly three years.

In looking into the daily records for the month of January, it was found that 90 pupils were dropped from the rolls on the 23d of that month. The cause of this action was not learned until I reached the Indian Office on February 17, and found that the same had been taken in accordance with orders from the department, as a result of an inspection made by Inspector McLaughlin some weeks before. Inasmuch as the cases, so-called "Runners," has no doubt been thoroughly investigated and reported upon by the inspector, I will make no further reference to them, except to say that the period of absence from the school in their cases exceeds that of the so-called "On leave" pupils.

The following shows the exact enrollment and attendance on December 31, 1910, and on February 7, 1911, when the discrepancies were first noted:

	On premises.	Outing pupils.	On leave.	Runners.	Total.
Dec. 31, 1910:					
Girls.....	240	119	46	1	406
Boys.....	405	92	50	89	636
Total.....	645	211	96	90	1,042

After dropping 96 pupils on January 23, 1911, as ordered by the department, the records on February 7, 1911, showed the following:

	On premises.	Outing.	On leave.	Runners.	Total.
Feb. 7, 1911:					
Girls.....	246	117	33	.....	396
Boys.....	415	81	48	4	548
Total.....	661	198	81	4	944

In looking into the "On leave" records, I found that many of these had been absent from the school for months and years, as some were dead, others married, and others employed in the Indian School Service.

The names of the "On-leave" pupils, with date of departure from the school and number of days carried on rolls after the same, is as follows, the same having been taken from the daily records of the disciplinarian and matron:

Name of pupil.	Time of departure.	Number of days carried on roll.
1. Roy Feeder.....	May 13, 1909	636
2. Henry Sutton.....	July 4, 1909	567
3. Wm. P. Cook.....	Apr. 28, 1910	286
4. Lawrence Poodry.....	May 16, 1910	268
5. Ed. Williams.....	June 22, 1910	231
6. Walter Robertson.....	.....do.....	231
7. Harry Woodbury.....	June 7, 1910	246
8. Jas. Lydick.....	June 2, 1910	251
9. John Doyle.....	July 12, 1910	211
10. Ned Stevenson.....	Dec. 1, 1910	69
11. Mitchell Moscow.....	May 10, 1910	274
12. Howard Purse.....	June 30, 1908	953
13. Sampson Burd.....	Nov. 28, 1910	73
14. Wm. Beaudion.....	Aug. 31, 1909	526
15. Osear Boyd.....	Mar. 15, 1910	330
16. Joe Cannon.....	Jan. 9, 1911	30
17. George Chew.....	Nov. 7, 1910	93
18. Jas. Crowe.....	Sept. 23, 1910	138
19. Judson Caby.....	July 12, 1910	211
20. Earl Dextate.....	Mar. 4, 1909	706
21. John Dond.....	Nov. 6, 1909	459
22. John Ginnes.....	Nov. 7, 1910	94
23. Michael Gordon.....	Apr. 15, 1910	299
24. Walter Hamilton (married).....	Oct. 25, 1909	471
25. Peter Houser.....	Nov. 23, 1910	77
26. Abel Hopkins.....	Jan. 3, 1911	36
27. Leonard Jacobs.....	June 23, 1909	595
28. Joseph Libby.....	Jan. 7, 1911	32
29. Oee Loeustt.....	Jan. 17, 1911	22
30. Elsworth Manning.....	Aug. 5, 1909	552
31. Wm. M. Bull.....	Jan. 27, 1910	742
32. John Menhart (penitentiary).....	July 1, 1910	222
33. Wm. Newashe.....	Nov. 28, 1910	72
34. Jacob Paul.....	Jan. 24, 1911	15
35. Elbert Payne.....	Jan. 12, 1909	757
36. Walker Peune.....	July 22, 1910	201
37. Howard Peirce.....	June 20, 1908	963
38. Allison Pollock (no record—several months).....	.....	.....
39. Chas. M. Ross.....	Dec. 1, 1910	69
40. Curtis Redneck.....	Nov. 26, 1910	319
41. Reno Howland.....	Nov. 3, 1910	342
42. Chas. W. Ryan.....	Apr. 1, 1910	313
43. Asa Sweetcorn.....	Nov. 28, 1910	72
44. Hulsie Seneca.....	June 24, 1910	229
45. Arthur Smith.....	Mar. 3, 1909	707
46. John White.....	Jan. 24, 1911	15
47. John Wesebear.....	Oct. 16, 1909	480
48. Mitchel White.....	Sept. 8, 1910	153
49. Arline Allen.....	Dec. 19, 1910	51
50. Elizabeth Baird (employed at Pipestone).....	June 30, 1909	588
51. Bessie Button.....	Oct. 21, 1910	110
52. Esther Browning.....	Nov. 17, 1910	83
53. Grace Burnette.....	May 17, 1910	267
54. Emma Clairmont.....	Jan. 19, 1911	20
55. Agnes Cabay.....	July 12, 1910	211
56. Lizzie Cardish (married).....	Dec. 6, 1910	65
57. Rachel Chase.....	Dec. 7, 1910	63
58. Olive Chisholm.....	Feb. 4, 1911	4
59. Mary Cox.....	Dec. 7, 1909	428
60. Edna Dextate.....	June 20, 1909	598
61. Lucy Desautel.....	Nov. 25, 1910	127
63. Marnie Bilstrop.....	Nov. 23, 1910	77
64. Olive Gordon.....	Oct. 12, 1910	119
65. Flora Jones (married).....	Aug. 15, 1910	177
66. Betsy Johnnyjohn.....	Apr. 8, 1910	306
67. Helen M. Eagle.....	Aug. 24, 1909	533
68. Mollie Mantel.....	Jan. 4, 1911	25
69. Fleeta Renville.....	June 23, 1909	595
70. Germaine Renville.....	.....do.....	595
71. Grace Sampson.....	July 9, 1909	579
72. Ida Lands.....	July 27, 1910	196
73. Lizzie L. Eagle.....	Sept. 10, 1910	151
74. Eva Symonds.....	Dec. 19, 1910	41
75. Rose Simpson.....	June 23, 1910	230
76. Julia Terrence.....	Mar. 7, 1910	338
77. Celestine Types.....	Nov. 25, 1910	75
78. Susan Wright.....	Nov. 8, 1910	92
79. Romena Waggoner.....	Sept. 1, 1909	75
81. Rose Pleets (dead).....	Feb. 4, 1911	4
Total.....		22,071

There being no record as to the departure of Allison Pollock (No. 39) this would show that 90 "On-leave" pupils have been carried on the rolls for a total of 22,071 days, or that the 80 pupils have been carried for an average period of 275.9 days each. As stated heretofore, the "Runners" had been carried for a still longer period before being dropped, January 23, 1911.

The record as to runaway pupils absent without leave on February 7, 1911, give the following information:

Name.	Departure.	Days absent.
82. Jerome Kennerly.....	Dec. 27, 1910	43
83. Frank Marshall.....	Jan. 24, 1910	15
84. John Miles.....	Dec. 23, 1910	47
85. Clyde Redeagle.....	Jan. 3, 1911	36
Total.....		144

The above shows that the four runaway pupils absent on February 7, 1911, have been absent for an average period of 35.2 days.

It appears that it has been the custom to carry the "On-leave" pupils for a time, in order to "keep the average attendance up to the proper figure," and this has been passed over from time to time, doubtless, until the number of days such pupils were absent reach such an enormous figure.

Upon the attention of Supt. Friedman being called to this matter and he made to understand that average enrollment was not considered, instead of average attendance the 81 "On leave" pupils were dropped from the rolls on February 8th, so that the actual enrollment of the school on February 9, 1911, was as follows:

	On premises.	Outing.	Runners.	Total.
Girls.....	246	117	.....	363
Boys.....	415	81	4	500
Total.....	661	198	4	863

I would say here that the record of issues of rations from the commissary does not show that rations have been issued in excess of the number actually present.

As is shown on the quarterly report for the second quarter, no less than 85 tribes were enrolled, coming from all parts of the United States, and one is lead to believe that either Carlisle has been quite active in discovering Indian tribes in Massachusetts, New Jersey, Rhode Island, Virginia, Louisiana, and other States heretofore unexplored by representatives of the Indian School Service, or that the school has been remarkably well advertised.

Believing that there were pupils in attendance who were not entitled to enrollment, an individual examination of each pupil was decided upon, and in company with Supervisor Peairs a careful examination of every pupil on the premises was made.

This examination proved that our doubts as to eligibility of certain pupils were well grounded, for a number of positive ineligible were found. A report covering these cases, as well as those whose homes are within reach of and who have attended public schools, will be made special as soon as additional data can be obtained.

The matter of necessity for enrollment of New York Indians is also made a subject for special report. This individual examination of pupils also revealed the fact that the ages as given on the quarterly report are not correct, the report generally showing the age at admission from one to four years ago instead of at the present time.

The scheme for industrial training seems to be well carried out, for time is given regularly to instruction, as well as to productive work. A copy of a letter from Superintendent Friedman to heads of all departments is herewith inclosed, and I find that the order is being well carried out.

The industrial force of employees is an exceptionally strong one, and good results are being obtained.

It is noted, however, that in the sewing room too much manufacturing of articles furnished on the annual estimate is done at the expense of instructive work. Such articles as canton flannel underwear, boys' wool and white shirts, are made here,

while at other places they are secured with the annual estimate supplies, thus relieving the sewing room of a vast amount of unnecessary work, and giving time for the desired regular instruction.

The outing system as managed here seems to be a very important feature of the work, and can not help but be very valuable training to the young Indians who are given the opportunity offered them. I have gone over the records of the office of the outing department very carefully and believe that the school is keeping in very close touch with pupils and patrons. It is evident that care is taken in placing the pupils in homes of good character; also that the character of pupils, religious affiliations, etc., are taken into consideration in all cases. Two outing agents, one for boys and one for girls, give their whole time to this work, being in the field nearly all of the time, visiting the pupils in their homes, and making daily reports as to their condition, etc.

At this date, February 11, 1911, there are 202 pupils "placed out," and arrangements are being made whereby several hundred more will "go to the country" about the 1st of April.

At present 24 States and Territories are represented in the outing list, as is shown by the following:

Home State of outing pupils, Feb. 11, 1911.

New York.....	65	Arizona.....	4
New Mexico.....	15	Massachusetts.....	4
Michigan.....	15	Montana.....	3
Oklahoma.....	12	California.....	4
South Dakota.....	12	Idaho.....	2
Wisconsin.....	11	Maine.....	2
North Dakota.....	10	Oregon.....	1
North Carolina.....	10	New Jersey.....	1
Washington.....	9	Minnesota.....	1
Louisiana.....	6	Utah.....	1
Nebraska.....	6	Alaska.....	1
Wyoming.....	5	Kansas.....	1

From the foregoing it will be seen that the country from Maine to California and from Alaska to Louisiana is represented.

It is also to be noted that the State of New York furnishes 65, Michigan 15, Louisiana 6, Massachusetts 4, Maine 2, and New Jersey 1, or nearly one-half of these outing pupils, who are supposed to be placed out in order to be surrounded by civilizing influence, and it seems to me to be rather a severe comment on these States to have it reported that their children are sent to the State of Pennsylvania to be civilized. I am of the opinion that while the outing system is getting excellent results, it is not being handled so as to reach the children of the so-called "Indian country," whose homes are not in cities and towns or to be reached from the trolley cars therefrom. It would seem as if this matter should receive careful consideration, and that pupils from the far West or "Indian country" be given the advantages of the outing system, and that those enrolled from eastern cities and towns, or from eastern reservations, located in the heart of civilized communities, be kept at the school to carry on the work of the institution. Samples of correspondence with patrons as to pupils, monthly report and rules for outing system are herewith inclosed for your examination.

Respectfully submitted.

CHAS. F. PEIRCE,
Supervisor of Indian Schools.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 27, 1911.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I respectfully call attention to certain portions of a report on the Carlisle Indian School recently submitted by Supervisor Charles F. Pierce.

Under section 3, student body, the supervisor lists 81 pupils who were carried on the rolls at Carlisle for periods varying from a few days up to almost three years after their departure from the school, making a total attendance of 22,071 days, during which time pupils, although carried on the rolls, were not in actual attendance. I call attention to this matter because it seems to me of very great importance that all

schools follow the same rule with reference to the dropping of pupils from either when they go on leave or when they desert from the school. A circular giving instructions on this particular point was recently sent out from the office, and I trust that in the future the quarterly attendance reports which are sent to the office may be more carefully studied than they have been in the past, in order that the instructions issued in the late circular may be in fact carried into effect. The quarterly school attendance reports give a great deal of information which has not been carefully examined and used, and it seems to me that it should be made the duty of some particular person to examine the quarterly school attendance reports with very great care.

The supervisor also calls attention to the enrollment at Carlisle of a great many students whose homes are in communities where there are good public schools; for instance, from the State of New York, 214; Massachusetts, 17; Maine, 3; New Jersey, 3; Louisiana, 17; Virginia, 1; and Michigan, a large number. The fact that there are so many pupils enrolled at this particular school who could attend public schools is certainly not in harmony with the effort that is being made to eliminate such children from the Indian schools and to enroll them in public schools. I feel very certain that there is no need whatever of the Government expending any money in educating Indian children from the State of New York.

In this connection I desire to call attention to a special report submitted by Supervisor Pierce on school facilities for Indians in the State of New York, dated March 14, 1911. At my suggestion Supervisor Pierce went to New York and spent several days visiting and inspecting the State schools for the Indians, and his report certainly indicates that the State of New York is providing very liberally for the education of its Indians.

I recently visited the little band of Chittimatchie Indians of Louisiana, from which tribe 17 children are enrolled at Carlisle. I found that they all lived within easy reach of public schools. However, there is considerable opposition to their enrollment in such schools. The smaller children are attending a day school conducted by the Catholic sisters, and are therefore quite well provided for. It is probably justifiable to enroll a few of the older children of the tribe at Carlisle, in order that they may have industrial training, but there should not be any of the younger children enrolled in any Indian school.

An examination of the list of pupils enrolled at Carlisle, whose homes are within reasonable distances of the public schools, will show that there are a great many children who live in villages and towns in the various sections of the country. I am of the opinion that one-third of the pupils enrolled at Carlisle could have public-school opportunities equal to those of their white neighbors if they were debarred from enrollment in Indian schools.

I desire to call attention also to the fact that the ages of pupils given in the quarterly school-attendance report for the Carlisle School are, in a great majority of instances, incorrect. It seems that the custom of giving the age at the time of enrollment at Carlisle has been followed, and that those ages have not been changed at all on the quarterly attendance report. Under these circumstances, there are pupils at Carlisle who, having been there five, six, seven, or eight years, are that much older than shown on the attendance report. This matter certainly should be corrected at once.

In section 5 of the report the supervisor calls attention to the fact that the pupils' records are not being kept at Carlisle in accordance with instructions sent out last year. The method now in use is such as to make it very difficult to get full information concerning any one student in the school, and I strongly indorse the recommendation of the supervisor that the Carlisle pupils' records should be kept in the same manner as they are in other schools.

Respectfully,

H. B. PEAIRS, *Supervisor.*

Mr. WHITWELL. Yes. Mr. Peairs asked me to substantiate some of those facts. I gave an affidavit as to what I knew about the reports. Of course, it was given confidentially, but as soon as it was brought up I showed the whole correspondence and affidavit to Mr. Friedman to let him know I was doing nothing underhanded.

Representative STEPHENS. When was this report made?

Mr. WHITWELL. This report must have been made, I think it was in 1911; about February, 1911, if I remember.

Now, when Mr. Friedman found that these things had been said in regard to keeping the report he went into my office. I should say that before that Mr. Meyer told me that he had given Mr. Friedman an affidavit against Mr. Peairs and I told him that I was somewhat surprised when I saw the affidavit. Well, he said that if Mr. Friedman went away from here he was not sure that he would be wanted around. He made some such remark as that, and I took it to mean that it might be well for me to watch out. I went in to see Mr. Friedman, and I asked him, "You remember the time when Supervisor Conser visited Haskell and found seven names on the report there that should not have been there?" He said yes, and he said, "I want you to give an affidavit to that effect." I said I would be glad to do it. I said, "You write me what you want and I will be glad to do it." Then he says, "You remember that Mr. Conser told Mr. Peairs how to keep those reports in the future?" I says "Yes," and he told me—well, he says, "You remember you went on keeping them just the same as you did before?" I said, "No, sir; Mr. Friedman, you are mistaken. I kept the reports, and I know that from that day on, from the time that Mr. Conser visited Haskell, those reports were kept strictly to the letter," and I said, "the records will prove it." "No," he said, "you know that is not so." I said, "I know it is so; and if that is what you want me to do, you have got the wrong man. I will neither lie for you nor anyone else." We had some words about it, and the trouble started right away. He said that Mr. Warner and that Mr. Meyer had both given an affidavit worth having. In the meantime I had prepared my affidavit.

Representative STEPHENS. When did that occur?

Mr. WHITWELL. That occurred at the time he was running for commissioner.

Representative STEPHENS. Last fall some time?

Mr. WHITWELL. Last fall, I think.

The CHAIRMAN. What is the general state of discipline in the school, Mr. Whitwell?

Mr. WHITWELL. It is very poor.

The CHAIRMAN. Is it improving or growing worse?

Mr. WHITWELL. It is growing worse.

The CHAIRMAN. To what, in your opinion, is it due?

Mr. WHITWELL. First of all, disrespect to the superintendent.

The CHAIRMAN. Is that general among the pupils?

Mr. WHITWELL. Very general.

The CHAIRMAN. Does the same condition prevail among the employees?

Mr. WHITWELL. It does; perhaps not to as great an extent, but still it is very manifest.

The CHAIRMAN. Have you seen or heard manifestations of disrespect or discourtesy from the pupils toward the superintendent?

Mr. WHITWELL. I have heard of it.

The CHAIRMAN. But you have not heard or seen it yourself?

Mr. WHITWELL. The only thing I have seen is, the last entertainment we had, when he was speaking to them, trying to get their applause, they showed a determination not to give it; not a single clap, for instance, to things that under other circumstances would

have brought forth applause—talking about appropriations for the school, and other things. And, of course, I saw that writing on the blackboard, which I tried to rectify. That was years ago, as much as four years.

The CHAIRMAN. Were there frequent complaints of injustice on the part of the superintendent toward the pupils?

Mr. WHITWELL. Very frequently.

The CHAIRMAN. Do you know anything about the character and quantity of food served?

Mr. WHITWELL. Well, the children complained a good deal. Of course, I have no duties in the dining room, so I never go.

The CHAIRMAN. The complaint is quite general?

Mr. WHITWELL. The complaint is general.

The CHAIRMAN. What interest does the superintendent display in the schoolroom work?

Mr. WHITWELL. Practically none until my trouble commenced with him, and then he commenced to write me letters as to what should be done, and I would like to leave the letters with you.

The CHAIRMAN. Have you got them here?

Mr. WHITWELL. Yes, sir; it will take considerable time to go over them, but it will show that among the charges he made was that I had neglected my duty, and until he undertook to reorganize my work it had been constantly going down. As I have already explained, it had been going down during the time I was working as clerk. Then he started to write letters to show that he was taking care of it. He came through the school rooms, but he would do more harm than good. If he found quite a number of pupils in one room, he would say, "Why don't you promote some of them?" and the teacher would say, "They are not ready to be promoted." We must have the proof that they are ready for it, and if they are demoted we must know that they are not able to go on. Otherwise it spoils the discipline of the school. Then he said, "Demote some of them." That is his idea of running the school. If a room is a little crowded, he will let it stay crowded rather than provide more room.

The CHAIRMAN. Under date of April 14 this appears to be a copy of a letter from the superintendent to you calling for two separate reports relative to the enrollment and the attendance at Carlisle.

Mr. WHITWELL. Yes; that is the affidavit that he wished me to give in regard to that very thing.

The CHAIRMAN. This appears to be a copy of your reply to that letter and the reports which you made.

Mr. WHITWELL. Yes, sir; that is the reply which he told me was not worth anything; that Mr. Miller and Mr. Warner had given him an affidavit that was.

The CHAIRMAN. That will be inserted in the record.

(The correspondence referred to is as follows:)

CARLISLE, PA., April 14, 1913.

Mr. J. W. WHITWELL, *Principal Teacher,*
Carlisle, Pa.

DEAR SIR: The question of enrollment and attendance at Carlisle has been raised, and I would be pleased to have you make two separate reports to me, giving me the exact facts with reference thereto, in accordance with your knowledge.

First. A statement covering your experience at Haskell in making out the quarterly reports, how they were made there, and Superintendent Peairs's connection

with the making of them, whether or no deserters and students on leave were carried, and whether this was done under the specific instruction of Mr. Peairs or not.

Second. An affidavit stating at which time the making of the enrollment and attendance reports of the Carlisle Indian School was first placed in your hands, and whether or no they were ever taken out of your hands at any time from that time to the present. In this connection it will be well for you to state who sent you a copy of the quarterly reports for a period previous to the time when you took them over, by whom they were made up, and just why I told you it was unnecessary for you to sign the reports as requested by the clerk. Will you please say specifically whether I have at any time since you first began making the reports ever in any way interfered with your making them? Please also say whether or no you have closely followed the regulations and the facts in making out these reports.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

UNITED STATES INDIAN SCHOOL,
Carlisle, Pa., April 15, 1913.

Supt. FRIEDMAN,
Carlisle, Pa.

DEAR SIR: In reply to your letter of the 14th instant, stating that the question of enrollment and attendance at Carlisle has been raised and that you would be pleased to have me make two separate reports to you, giving you the exact facts with reference thereto, in accordance with my knowledge—

First. A statement covering my experience at Haskell in making out the quarterly reports, how they were made there, and Supt. Peairs's connection with the making of them, whether or no deserters and students in leave were carried, and whether this was done under the specific instruction of Mr. Peairs or not.

Second. An affidavit stating at which time the making of the enrollment and attendance reports of the Carlisle Indian School was first placed in my hands, and whether or no they were ever taken out of my hands, at any time, from that time to the present; that in this connection it will be well for me to state who sent me a copy of the quarterly reports previous to the time when I took them over, by whom they were made up, and just why you told me it was unnecessary for me to sign the reports as requested by the clerk; also, to say specifically whether you have, at any time, since I first began making the reports, ever in any way, interfered with my making them and to say whether or no I have closely followed the regulations and the facts in making out these reports—I submit the following as the facts in each case.

Very respectfully,

JOHN WHITWELL,
Principal Teacher.

UNITED STATES INDIAN SCHOOL,
Carlisle, Pa., April 15, 1913.

“To Supt. FRIEDMAN: Reports with reference to correspondence of April 14, 1913.”

First. I kept the attendance reports during the four years I was employed as principal teacher at Haskell Institute, under H. B. Peairs, superintendent. As this time was my first experience in a nonreservation school, I simply followed the instructions of the superintendent until such time as I had positive instructions from higher authority. At the end of each quarter a list of names of students no longer present was sent to Superintendent Peairs. He indicated those to be dropped by placing the letter D after their names. Some were not dropped, and when Supervisor Conser called my attention to this, I showed him the lists of names as submitted to Superintendent Peairs at the end of each quarter, and also showed him that I had complied strictly with Superintendent Peairs's instructions as to who should be dropped. Supervisor Conser then gave specific instructions as to how the report should be kept, so that during the remainder of my stay at Haskell I kept the reports strictly in accordance with these instructions.

As I have already indicated, while acting under the superintendent's instructions, several students, some of whom were deserters, were carried on the rolls as present several months after they had left the Institute.

Very respectfully,

JOHN WHITWELL,
Principal Teacher.

[To Supt. Friedman: Second report with reference to correspondence of April 14, 1913.]

UNITED STATES INDIAN SCHOOL,
Carlisle, Pa., April 15, 1913.

To Supt. FRIEDMAN: Reports with reference to correspondence of April 14, 1913."

Second. In regard to your request for affidavit relating to my experience with attendance reports at Carlisle, I find much of the information called for is already given in affidavit furnished by me to Supervisor Peairs in compliance with his request of March 19 on this same subject.

To make this affidavit clearer and to give the extra information required, I will call attention to the fact as then stated; that it was on July 26, 1911, that the enrollment and attendance reports at Carlisle were first placed in my hands and that I have made or supervised the making of all reports since that time. I will add, that while circumstances have made this a very trying duty, I have no charges to make as to interferences on your part, and the reports have been made strictly in line with the regulations.

As to who sent me a copy of the quarterly reports for a period previous to the time when I took them over, by whom they were made up, and just why you told me it was unnecessary for me to sign the reports as requested by the clerk, the fact as already stated in my affidavit to Supervisor Peairs that, 'It was sometime in 1910 before I even saw one of these reports, that they were sent to me for signature, without any explanation, and that at that time I knew absolutely nothing as to how they were made up,' makes it impossible for me to give a conclusive answer further than to add that I knew the reports were being made where they had always been made, viz., in the office of the financial clerk, and that Miss Reichel, an assistant in this office, brought the reports to me.

Very respectfully,

JOHN WHITWELL,
Principal Teacher.

Representative STEPHENS. How many names did they pad the rolls with?

Mr. WHITWELL. About 200, as well as I can remember.

The CHAIRMAN. There is a statement in the affidavit. I find here among the letters you have submitted what purports to be a copy of a letter from Supt. Friedman to you as principal teacher, October 14, 1913, referring to charges against you for an abusive and insubordinate attack upon Supt. Friedman on the afternoon of October 7 in his office, by calling him a "dirty skunk." Was that the occasion you told about?

Mr. WHITWELL. No, sir; this was after that. That was between both of us. There was a want of cordiality at least between us up to the time this happened, and he was doing everything from that time on to make me work hard and discount what I was doing. You will be able to tell from the letters what provocation led up to that.

The CHAIRMAN. Did you reply to that letter?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. Under date of October 15, the following day, you wrote the Commissioner of Indian Affairs what appears to be a communication inclosing—

Mr. WHITWELL (interrupting). I would like to say there that I first of all wrote to the Supervisor of Indian Schools. I realized that I had done something I should not have done, and I wrote a full explanation admitting what I had done and telling him what had led up to it, and I expected and requested him to place it before the commissioner. But that was not done, and nothing was done about it until the superintendent filed his charges. Then I sent both my letters to Supervisor Peairs and another one to the Commissioner in regard to the charges. They were both filed at the same time.

The CHAIRMAN. What is the copy that I hand you?

Mr. WHITWELL. This is a copy of the reply to the charges mentioned; also the letter of Supervisor Peairs, which I wish to inclose with the others.

(The letters, etc., referred to are as follows:)

INDIAN SCHOOL,
Carlisle, Pa., October 14, 1913.

Mr. JOAN WHITWELL, *Principal Teacher:*

In a letter to the Commissioner of Indian Affairs you are charged with making an unwarranted, abusive, and insubordinate attack on the superintendent on the afternoon of October 7 in his office and calling him "a dirty skunk."

It also charged that your work has not been satisfactory or up to the standard; that you have been derelict in your duty; that you have not visited the classrooms, as you should, and given instruction to the students or properly observed the work of the teachers; and that, until I undertook to reorganize your work during the past summer, it was constantly growing worse instead of better.

You will be given three days to prepare such statement and give answer in such way to the charges above mentioned as you desire.

Very respectfully,

M. FRIEDMAN,
Superintendent.

INDIAN SCHOOL,
Carlisle, Pa., October 15, 1913.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Doubting the legality of the form of the charges as presented to me by Supt. Friedman and knowing from experience his ability to distort the truth, I am sending under separate cover this copy of letter sent through the superintendent, with the superintendent's letters previously mentioned; also a copy of the Arrow of September 5, 1913, the sample outlines mentioned, and copies of letters written by Mr. Stauffer and Mrs. Lovewell, as well as the program and songs in question.

Very respectfully,

JOHN WHITWELL,
Principal Teacher.

INDIAN SCHOOL,
Carlisle, Pa., October 15, 1913.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Please find inclosed a letter from Supt. Friedman which (unless the regulations have been changed) seems to me a new procedure in such cases. However, as there is nothing in the letter which can not be explained, and as delay would be detrimental to the best interest of all concerned, I proceed with the explanations:

I. I am charged with having made an unwarranted, abusive, and insubordinate attack on the superintendent on the afternoon of October 7 in his office, and calling him "a dirty skunk."

Answer. I respectfully submit the inclosed letter addressed to the supervisor of Indian schools, as evidence in this matter, also the additional evidence bearing on the matter which is here given in my answers to the other charges.

II. "It is also charged that your work has not been satisfactory or up to the standard."

Answer. The charge should have stated which one of these is meant, or if all are meant, viz:

(a) My regular work as principal teacher.

(b) My work in the financial clerk's office, of keeping the students' record cards.

(c) The different details to which I have been assigned.

Because of their far-reaching effect I will take up the second and third of these first:

(b) When Supt. Friedman instructed me in July, 1911, to do the work in the financial clerk's office, formerly done by a separate clerk, viz, that of keeping the students' record cards and attendance reports—I protested but said I could do this if allowed to have the cards and books at my office. After consultation with the clerks the superintendent decided the cards and attendance book could not be moved from the

financial clerk's office. This meant that from that time on at least one-half of my time had to be spent in the financial clerk's office away from my regular work.

The affidavit which I gave to Supervisor Peairs regarding attendance reports at Carlisle, and which I showed to Supt. Friedman, contained another protest as to the trying circumstances under which I was making these reports and keeping these record cards.

On July 28, 1913, I received instructions to "transfer at once the attendance books and all other papers needed in connection with the work to my office" and keep the attendance reports there.

I went to the superintendent's office and showed him that the Carlisle system of keeping attendance reports made the cards, attendance book, and reports inseparable, but suggested, since he had consented for me to take the book, we might get another set of cards, make duplicates. The superintendent agreed to this, and as soon as the cards reached me I called in two teachers and the librarian and we had them ready for use in a few days.

Since that time, which was at the beginning of the school year, I have kept the attendance records in my own office, consequently I have been able to again attend to my school duties as I used to do before the change was made in July, 1911. I wish to emphasize the fact that previous to July, 1911, the principal teacher had had nothing whatever to do with the keeping of the record cards, the attendance book, or the attendance reports. It was the circumstances under which I had to do this work rather than the work itself that I objected to—the reasons are self-evident.

(c) As to the different details to which I have been assigned I wish to refer to the following:

1. Before my leave had expired in 1909, the superintendent called me by telegram from Jackson, Mich., to take the place of the quartermaster, when an employee on the grounds fully acquainted with the work was available and willing to fill the position.

I had had no experience whatever in the position, but was required to fill it even after school started. I simply did all that any one could have done under the circumstances.

In September, 1912, just as I was getting my school into shape and without any previous intimation, I was given written order to be ready within a few hours to proceed to Pine Ridge and Rosebud Reservations to escort pupils to this school, a work which any one of the 60 employees here could have done, as the pupils were gotten ready by the day-school inspectors on each reservation.

On July 28 this year (see superintendent's letter of this date) I was detailed to large boys' quarters. I had just given up part of my educational leave to get back to my school work.

(a) But more than this; my regular work at the school building has been seriously hindered.

1. By abolishing teachers' positions and reducing salaries; e. g., that of senior teacher, salary, \$900; assistant normal teacher's position abolished; teacher of room No. 3, position abolished; agricultural teacher, salary first reduced, afterward position abolished.

2. By pushing the teaching of telegraph and art at the expense of the school. One of the regular school rooms had to be given up for telegraphy when another room was available. This meant an average class of 50 pupils were forced to use a less desirable room.

The room previously used for supplies and as the office of head janitor was fitted up for art without any regard for the supplies or the janitor work.

Without even notifying me teachers have been detailed to all kinds of work (except school work) during the summer months, and sometimes during the school session, and even after I had made arrangements for having some necessary school work done before teachers went on their vacation the arrangements were ignored, the teachers' regular requests for leave were ignored and teachers were ordered to take their leave at once.

The instruction in gardening has been changed so that practically all it amounts to now is detailing boys and sometimes girls to do the work—the gardener makes a fine showing, but the instruction part has to be neglected. The Arrow of September 5 says the garden has afforded excellent instruction. This is misleading to say the least. No doubt it is a good object lesson, but the instruction has been very meager.

The musical director who has charge of teaching vocal music classes in school has received more recognition, both financially and otherwise, than any other teacher; yet despite the fact that he makes an excellent showing at commencement and other public occasions, his work with the classes is hardly worth mentioning, which can not be otherwise in the face of his many other duties; and what means more, some of

his work is direct opposition to the kind of training which we all agree is of more value than any other—moral training. I inclose copy of a letter written me by Mr. Stauffer regarding Mrs. Lovewell, and another copy of Mrs. Lovewell's reply to this letter, together with a copy of the program then under question; also a copy of a song given at a literary meeting.

When the superintendent has left the grounds, even if it was for weeks, he has neglected to give the required official notice as to who was in charge. Being the next in order I did the best I could under the circumstances until I saw plainly he did not want me to take charge.

My best efforts and the work of many others is devoted for three months during each year toward making what in many ways is a false showing for commencement.

III. "That you have been derelict in your duty." As some of the alleged derelictions follow I will simply say here that I have been true to my highest convictions, and when a question of duty presented itself I have, as already shown, tried to stand for right whatever the cost. Judging from what I have already said it would seem I would have been derelict in my duty if I had stood for all that Supt. Friedman has stood for.

Then again, the unnatural details forced on me by the superintendent plainly prevented my doing my full duty to my own department.

IV. "That you have not visited the classrooms, as you should, and given instruction to the students or properly observed the work of the teachers." Visiting classrooms: Up to the time of my detail to the financial clerk's office in July, 1911, I found time to visit the classrooms as often as was necessary. Since then and until recently I have found it extremely difficult to find time even to visit the rooms of new teachers. The latter I have made a point to visit whenever possible.

The superintendent evidently forgets or does not know that each teacher prepares a daily program (I inclose samples); that these are sent to the principal teachers' office, and that the work as a whole can be much better supervised in this way than by trying to visit 17 different rooms with the same object in view. As to instructing the pupils, the work of the principal teacher here has never included teaching in the classrooms.

His work is to organize and observe the work of other teachers, which I have carefully done. There never was a time when I could not give a detailed report as to the efficiency of any one of my teachers. The fact that the superintendent did not call for such reports did not prevent my being in a position to give them at any time. Going back to the charge of not visiting school rooms, I have not done as the superintendent did last night—after sending me the charges at noon he personally interviewed the teachers as to their correctness on this point.

V. "Until I undertook to reorganize your work during the past summer it was constantly growing worse instead of better."

During this time I have but once received oral instructions from Supt. Friedman. He was passing by my office and I asked him what was to be done with the Bible classes. After saying he intended to have a secretary to look after them as usual, he said, "Just saw wood."

As to written instructions, I am forwarding under separate cover all the written instructions I have received from the superintendent during this period. The superintendent has a copy of them. To the man who knows they speak for themselves.

If this claim to organization of my work is based on what Mr. Stauffer did, as would appear from an inspired article in the Arrow with the heading "School building made ready," I wish to repeat what I have already said in regard to Mr. Stauffer's work in my office, viz, that he did more harm than good. I might have added that during my absence of six weeks he did not even start the work which the superintendent had ordered done before I left, viz, oiling the floors, although the quartermaster says he told him the oil was ready.

From another inspired article in the Arrow of the same date I judge Mr. Stauffer's work on the calendar may be meant.

I wish to state that the calendar manuscript practically completed on lines suggested and approved at faculty meetings at which I was present, was left by me before going on vacation in the hands of the printer. In fact, when the superintendent told me to leave my keys with Mr. Stauffer, I suggested leaving the calendar too, but he said no, to hand it to Mr. Brown, the printer, so that the latter could begin work on it, and I did so. True, several changes were made, but aside from that of study hour which at faculty meeting I had objected to, purely on the grounds that I understood the Indian Office was not in favor of it; aside from this, I repeat, the changes were immaterial so far as construction and organization are concerned.

It remains to be seen whether or not the change in religious services will prove beneficial.

JOHN WHITWELL.

The CHAIRMAN. I see what purports to be a copy of a letter from the superintendent to you, dated July 23, 1913, relative to personal oversight of instruction in the class rooms.

Mr. WHITWELL. This was written in July, while I was on my vacation, and I had not then removed the attendance records to my office, so that the overseeing of the classrooms had been somewhat neglected, owing to my being at the other office.

(The letter referred to is as follows:)

JULY 23, 1913.

Mr. WHITWELL:

One of the paramount duties devolving on the principal teacher in connection with his work is the personal oversight of instruction in the classrooms. It is therefore directed that as much time as possible be spent by the principal teacher each day in visiting classrooms, so as to definitely ascertain the progress which is made by the students, and listening to the recitation work conducted by the teacher with a view to raising the standard of the academic department. From time to time the principal teacher himself should take a class and quiz the students with a view to ascertaining the practical results which have attended the instruction by the various teachers.

Important matters needing adjustment will thus come before the personal attention of the principal teacher which can be discussed and properly corrected either in a personal interview with the teacher or at one of the teachers' meetings. The matter is one of the greatest importance, and as very little or no visiting of this kind has been done in the past, the matter should have definite attention.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

The CHAIRMAN. July 28, 1913, you were detailed to the large boys' quarters?

Mr. WHITWELL. Yes, sir.

(The letter referred to is as follows:)

JULY 28, 1913.

Mr. WHITWELL:

You are hereby detailed for duty at the large boys' quarters, beginning at once.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

The CHAIRMAN. What was the import of that?

Mr. WHITWELL. I had been attending chautauqua, but the teacher who had been keeping the attendance records was away and I knew what it meant, and I gave up a part of my institute leave to hurry back to my own work, and I had not been back but a day or so when he detailed me to the large boys' quarters, although there were very few boys here at that time and no special need for it.

The CHAIRMAN. There also appears to be a letter of January 28, 1913, from Supt. Friedman to you. What is the significance of that communication to you?

Mr. WHITWELL. This is in regard to the change of keeping the attendance records at my own office instead of in the financial clerk's office, and he seems to be specially desirous of having them kept accurately, and I challenged him to show where they had ever been kept, since I took them, any other way than accurately. Of course, it is all a matter of evidence as to the way they were kept before I took hold of it. I thought I had the answers to these with me.

The CHAIRMAN. Were you charged with the condition of the classrooms?

Mr. WHITWELL. You mean in regard to janitor work, etc.?

The CHAIRMAN. Yes.

Mr. WHITWELL. Yes, sir; that is part of my duties.

The CHAIRMAN. I see a letter of August 26, 1913, in which the superintendent criticises you for the condition of the rooms.

Mr. WHITWELL. There is already on record a reply to this, showing that the only windows that were not cleaned at that time were two in the back part of the chapel, and as the teacher said he was doing the work, there was no need of doing them then; we could do them when we had boys to help us. And not only that, there was more important work for the teacher to do than cleaning such windows. We ought to have been getting our school work in shape. The other windows were just in the shape you would expect to find them after the summer's vacation. They had all been cleaned before the pupils had been dismissed. There is a reply here to this about the windows. It is, of course, written much better than I could remember now.

(The letter and statement referred to are as follows:)

AUGUST 26, 1913.

Mr. WHITWELL:

I have gone through the rooms of the school building carefully and, while the oiling of the floors and the general cleaning is progressing satisfactorily, it will be necessary to spend quite a bit of time and labor in cleaning the windows. The windows generally were dirty, a condition which is not only unsanitary but obstructs the proper light and sunshine which should enter the schoolrooms during class recitations.

Very respectfully,

MOSES FRIEDMAN,
Superintendent.

[Notes on Superintendent's letter of Aug. 26, 1913.]

The front windows of the chapel had been washed a few days before this inspection was made. The windows the superintendent saw the boys washing before he wrote this letter, were put in new a few days before. They were gummy and needed washing; the other windows of school rooms were in the condition anyone would expect to find them in, after the dusts of the summer vacation.

The windows in the storeroom at the rear of the chapel did need cleaning, but it was not necessary that they be done then, when there were not pupils that could do this, only teachers who could have had this time for better use.

The CHAIRMAN. That was not a letter to the superintendent. This is a correct statement?

Mr. WHITWELL. Yes, sir; that is in regard to the actual conditions. And I would like to say that there are answers put in the evidence.

The CHAIRMAN. Were they furnished to the superintendent?

Mr. WHITWELL. Yes; they were furnished as a reply to his charges, so that they are a matter of record in Washington.

The CHAIRMAN. Do you know why Miss Gaither was transferred from here?

Mr. WHITWELL. She and Mr. Friedman did not get along very well together. I know no other reason why she should have been transferred. I considered her a very capable matron.

The CHAIRMAN. At the time of her leaving here did you know anything about a controversy arising from the manner of keeping the accounts?

Mr. WHITWELL. No, sir; I never heard that.

The CHAIRMAN. Do you know Julia Hardin?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. Who is she?

Mr. WHITWELL. She is one of our pupils in the business department.

The CHAIRMAN. Did you see her during June, 1913? On an occasion when she was being whipped?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. State the circumstances under which you saw her, and what her condition was.

Mr. WHITWELL. Shall I read this?

The CHAIRMAN. I have no objection.

Mr. WHITWELL. Of course, I would like to say that this was given from my memory, but I know that the vital parts are correct. There may be a word or two that is a little different.

The CHAIRMAN. Just read it.

Mr. WHITWELL (reading):

I found the girl sitting on the floor sobbing and crying. Mr. Stauffer was standing near, very much excited. So was Miss Ridenour. I had learned on the way over, from Mrs. La Flesche, something of the trouble. I walked up to Julia and said something like this: "Julia, you know I wouldn't advise you to do anything against your best interests if I knew it. Now, you have got yourself into this trouble and it is up to you to get yourself out of it. I couldn't tell you what is right or wrong, any better than what you yourself now know it, and I am not going to waste time talking to you, but I advise you to do as you are told, whatever that is."

I turned to the matron and asked what they wanted her to do. The matron said she would have to go to the lock-up. I said, "Julia, will you go to the lock-up?" She said, "I will go for you, Mr. Whitwell." I knew the girl meant what she said. I turned to the matron and said she was ready to go, but the matron did not seem to realize it. I said again that she was ready to go and told Julia to rise and go with her. She went and that ended my connection with the case.

The CHAIRMAN. Did you see Mr. Stauffer that evening?

Mr. WHITWELL. Yes, sir; he came to the house.

The CHAIRMAN. What conversation occurred between you?

Mr. WHITWELL. He evidently came to explain his connection with the case. He said that the girl has been very bad, or something like that, and I said to him, "Well, I am afraid you have made a mistake to use corporal punishment. You ought to have had permission of the superintendent." He said that he had gone to Mr. Friedman after he found out the girl would not do what they wanted, and told Mr. Friedman that there was only one way to do it and that was to spank her, and Mr. Friedman said, "Now, don't talk to me about spanking. If you are going to spank, all right; but don't bring me into it."

I had very little to say about the case, and could not approve of it. He evidently was worried about it, and I could not say anything that would make him feel any better. He added, however, that the girl was ready to go when he came over, and I told him that so far as that was concerned, I did not claim any credit.

The CHAIRMAN. Did you take hold of the girl?

Mr. WHITWELL. I do not remember even touching her.

The CHAIRMAN. Did you pull her up from the floor?

Mr. WHITWELL. I do not remember that I pulled her up. If I did it was simply to help her. From what Mrs. La Flesche told me, I realized it was a case that the more they were punishing the girl the more stubborn she was becoming. I would not use corporal punishment under any circumstances.

The CHAIRMAN. Did you threaten to punish her?

Mr. WHITWELL. No, sir.

The CHAIRMAN. Did you tell her that she had not had enough punishment?

Mr. WHITWELL. No, sir.

The CHAIRMAN. Did you order her put in the detention room over night?

Mr. WHITWELL. No, sir. I did not know anything about whether they had a detention room. I did not know the next move. The girl went home. I was ignorant of the whole situation.

The CHAIRMAN. Do you know what she was punished for?

Mr. WHITWELL. I know now, yes.

The CHAIRMAN. What was it?

Mr. WHITWELL. For not going to the country after she had promised to go.

The CHAIRMAN. Did you see the board with which she is said to have been whipped?

Mr. WHITWELL. No, sir. That was all over when I went there.

The CHAIRMAN. Do you know of pupils of the school being confined in the county jail, Mr. Whitwell?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. How many have you known of in the last year or two?

Mr. WHITWELL. Something like seven or eight.

The CHAIRMAN. For what offenses, if you know?

Mr. WHITWELL. One while I was helping over at the large boys' quarters—I assisted them. In fact, under Mr. Friedman's orders, I took a boy down and had him arrested. I went down and really acted the part of the complainant.

The CHAIRMAN. What did you charge him with?

Mr. WHITWELL. Stealing pies out of the bakery. They make pies every Saturday afternoon.

The CHAIRMAN. How long was he confined for that?

Mr. WHITWELL. I think for 30 days, as near as I can remember.

The CHAIRMAN. Did you charge him with petty larceny or grand larceny?

Mr. WHITWELL. I think it was petty larceny.

The CHAIRMAN. Did you think that punishment as commensurate with the degree of the offense—to take a schoolboy charged with stealing something to eat? It looks to me almost like the case of Jean Valjean again. A case where you knew, and it was generally known, that the pupils were not getting enough to eat, to take one of the boys down and put him in jail for 30 days.

Mr. WHITWELL. Of course, they threw the plates away, but that was all secondary.

The CHAIRMAN. How much pie did they steal?

Mr. WHITWELL. Oh, quite a number of them.

The CHAIRMAN. Were there a number of boys in it?

Mr. WHITWELL. Yes; they took the pies down near the lake here and told the boys where the pies were. I think the poor girls had to go without the next day.

Representative CARTER. You have been to a boarding school, haven't you?

Mr. WHITWELL. Yes, sir; I have been in all kinds.

Representative CARTER. Did you ever take part in any such transaction as that?

Mr. WHITWELL. No, sir.

Representative CARTER. Never stole a pie?

The CHAIRMAN. As a matter of fact, those offenses are quite common in all boarding schools?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. Especially where the food is inadequate or unwholesome and general complaints exist. Don't you think that a case of that sort could have been handled and should have been handled with the discipline that prevails in the school rather than appeal to the criminal authorities of the county?

Mr. WHITWELL. Yes, sir; there were those two things I thought of at the time; that it showed our weak discipline in the first place, in not being able to handle a thing like that ourselves; and again, that our grounds were not being policed right. The judge himself asked why the boys could do that.

Representative CARTER. Do you have a night watch?

Mr. WHITWELL. Yes, but only an Indian boy. For all I know, he might have helped.

Representative CARTER. You were acting under orders, I believe, of the superintendent?

Mr. WHITWELL. Yes, sir; the superintendent gave me orders.

Representative CARTER. Were the orders written, or merely verbal?

Mr. WHITWELL. I do not remember.

Representative CARTER. Will you look and see if you have any written instructions concerning that, and bring them back?

Mr. WHITWELL. Yes, sir.

Representative CARTER. Why was this work put on you?

Mr. WHITWELL. You will notice that at that time I was detailed to the large boys' quarters.

Representative CARTER. Was the counsel or advice of the disciplinarian sought or obtained in the matter—what was that boy's name?

Mr. WHITWELL. I could find out.

Representative CARTER. Did you visit the boy while he was in jail?

Mr. WHITWELL. No.

Representative CARTER. Did Superintendent Friedman?

Mr. WHITWELL. I do not think he did; I do not think anyone did. I know I told the prosecuting attorney—he said there was a nominal fine, as I understood. There had to be a nominal fine, and I told him that probably the boy would not have it, and if he would let me know I would pay it. Then I inquired when the time was out of the disciplinarian, and he said they were going to let the boy go home.

Representative CARTER. So they kept him in jail 30 days and then fired him for stealing pies?

Mr. WHITWELL. Yes, sir.

Representative CARTER. What do they do with the drunks and the boys who enter the rooms of the girls and debauch them?

Mr. WHITWELL. I have heard mentioned the case of Gus Welch.

Representative CARTER. He is a football man?

Mr. WHITWELL. Yes, sir.

Representative CARTER. Do you know about the four boys who during the last year entered the girls' building and met some girls in a vacant room, and stayed there a long time?

Mr. WHITWELL. Yes, sir.

Representative CARTER. What was done with those boys?

Mr. WHITWELL. They were put in the guardhouse.

Representative CARTER. They were not taken to the county jail and confined for debauching those girls?

Mr. WHITWELL. No, sir. Those boys evidently had not been punished as they ought to have been. Just day before yesterday one of them met a girl over at the school building—one of the same boys met one of the same girls in the back part of the chapel. There was nothing done bad that we know of, but it was because we caught on to it in time.

The CHAIRMAN. Of course, the inherent weaknesses and characteristics of human nature make it impossible to prevent those things from occurring whenever the opportunity can be obtained and the disposition exists between boys and girls, but it does seem to me like it discloses an utter lack of sense or due proportion to confine a boy in the county jail for 30 days and expel him for stealing a few pies, and then to minimize an offense of the character mentioned in connection with those boys who met the girls improperly and debauched them.

Will you give me the name of that boy that was sent to jail for stealing pies?

Mr. WHITWELL. Yes, sir.

The CHAIRMAN. I want to ask Mr. Friedman something about that. Does he admit giving you those orders?

Mr. WHITWELL. Yes, I think he will, because they have had trouble about boys stealing pies. And, as I say, they do not have anyone to watch the place.

The CHAIRMAN. Do you know anything about an alleged pig roast by the football boys in which they are said to have taken two pigs and roasted them?

Mr. WHITWELL. It is common report.

The CHAIRMAN. What was done with them for that vicious offense?

Mr. WHITWELL. Nothing, so far as I have known.

The CHAIRMAN. They were not sent to the county jail?

Mr. WHITWELL. No.

Representative STEPHENS. Do you know of cases of drunkenness in the school by the boys, and disorderly conduct by boys, who were not sent home or expelled?

Mr. WHITWELL. Oh, yes; quite a number. If we sent them all home that have gotten drunk I am afraid we would not have many left.

Representative STEPHENS. As I understand you, some boys would be sent home and others kept here?

Mr. WHITWELL. Yes, sir.

Representative STEPHENS. Then that constituted a gross violation of the rights of certain boys, did it not?

Mr. WHITWELL. Yes, sir; and that was what led to the feeling of the student body toward the superintendent. They see the injustice being done. For instance, there have been very few drunks sent home.

Representative STEPHENS. It showed partiality in the extreme?

Mr. WHITWELL. Yes; that is how they look on it.

Representative STEPHENS. I believe you stated that the agricultural and harness departments had been abolished. Have any other departments been abolished?

Mr. WHITWELL. The Indian art department.

Representative STEPHENS. What else?

Mr. WHITWELL. Telegraphy, harness-making, photography—

Representative STEPHENS. What else?

Mr. WHITWELL. That is all, I think. Mechanical drawing has been taken up again.

Representative STEPHENS. It was abolished a while?

Mr. WHITWELL. It was abolished a while, and the mechanical drawing teacher put on the farm.

Representative STEPHENS. What did they do with the teachers that were teaching all these special branches?

Mr. WHITWELL. There was no regular employees for photography; the physical culture teacher used to do that. The agricultural department was abolished entirely, and I don't know where the money went. The rooms were turned into the music department.

Representative STEPHENS. A conservatory instead of an agricultural department?

Mr. WHITWELL. Yes, sir.

Representative STEPHENS. What is in that conservatory?

Mr. WHITWELL. Pianos and musical instruments and so on. The part where we raise plants, however, the gardener uses that to raise plants for his garden. There is now practically no instruction given, and the agricultural work seems to be almost ignored, so much so that it has seemed they treat it almost as a punishment to go to the farm. We had a potato farm, and the boys would not go there. We had a fine lot of chicken houses built and an expert from town come here to supervise it, and they did not get the eggs, and they tore up the chicken houses.

Representative STEPHENS. Have they abolished the raising of chickens?

Mr. WHITWELL. Abolished it entirely. Of course, the boys probably did get the eggs.

The CHAIRMAN. Do you know about the case of ———— and Paul Jones?

Mr. WHITWELL. Yes, sir. That is the case that the boy and girl were sent to jail for 60 days.

The CHAIRMAN. What for?

Mr. WHITWELL. I understand, for immoral relations, but I do not know the details.

The CHAIRMAN. Did you have anything to do with that case?

Mr. WHITWELL. Nothing whatever.

The CHAIRMAN. Did you ever examine the record of the case?

Mr. WHITWELL. No, sir; I never had an opportunity.

The CHAIRMAN. Do you know upon whose complaint they were sent to jail?

Mr. WHITWELL. I think it was the disciplinarian. Of course, he does all that by the superintendent.

Representative CARTER. How many industrial departments have you now? You know, don't you? Suppose you just put them in the record there.

Mr. WHITWELL. There are about 15 here that we have yet.

Representative CARTER. Name them for the record.

Mr. WHITWELL. Baking, blacksmithing, masonry—that includes bricklaying, of course—carpentry, wagon making, painting, plumbing,

and steamfitting, printing, shoemaking, tailoring, tinsmithing, laundering for the girls, sewing, and the agricultural work, which is hardly worth mentioning. There is no instruction.

Representative CARTER. How many teachers have you in those different departments?

Mr. WHITWELL. One for each.

Representative CARTER. How many children have you in each of those?

Mr. WHITWELL. It varies so much it would be very hard to tell. The engineer will have something like 10 boys in the morning and 10 in the afternoon. He has one of the largest details. Then the carpenter, he has a large detail on account of the large amount of repair work to be done, but the others will probably average four or five boys each.

Representative STEPHENS. Is there any one looking after stock-raising?

Mr. WHITWELL. No.

Representative CARTER. Then there would not be over 75 or 100 boys in the industrial work?

Mr. WHITWELL. No, sir. I have a record that I compiled. We are using a new blank now to give their grade and the trade they work. We have them all itemized.

Representative CARTER. In your opinion, then, the school is not very much of an industrial school?

Mr. WHITWELL. No, sir. The boys change too much from one place to another, too.

Representative CARTER. The difficulty is they do not keep the boy in one department long enough to learn a trade?

Mr. WHITWELL. That is it. They won't make him stick to it.

Representative CARTER. Could they do it under the present discipline?

Mr. WHITWELL. I doubt it very much.

Representative CARTER. What can you tell us about the general health of the students?

Mr. WHITWELL. As a rule that does not come under my observation, any more as we happen to see it in the schoolrooms.

Representative CARTER. But you have an opportunity to observe it, of course?

Mr. WHITWELL. Yes. We have quite frequently sent boys and girls out of the schoolroom to the hospital for treatment—adenoids and such cases as that. They are sometimes run down.

Representative CARTER. Are there any children in the school now afflicted with tuberculosis?

Mr. WHITWELL. I could not say positively. I know there was a little while ago. Their plan is to send them home.

Representative CARTER. They send them home as soon as they get it?

Mr. WHITWELL. Yes, especially—perhaps not as soon as they get it, but as soon as they show the case is developed.

Representative CARTER. What do they do with cases of trachoma?

Mr. WHITWELL. I have seen very little done. Of course, it may be done. I know when Dr. White came back the second time he complained very much.

Representative CARTER. Is there very much trachoma in this school?

Mr. WHITWELL. I think there is.

Representative CARTER. Are the children who have trachoma segregated from the others?

Mr. WHITWELL. Not that I know of.

Representative CARTER. What system of towels have they, and bath rooms?

Mr. WHITWELL. I do not know of any special system, any more than to give each boy a towel once a week.

Representative CARTER. Only once a week?

Mr. WHITWELL. Once a week, so I understand.

Representative CARTER. Is he required to keep that towel separate, or can any other boy use it?

Mr. WHITWELL. No; he does not pay much attention to it.

Representative CARTER. So there is a wide opportunity for the spread of that disease.

Mr. WHITWELL. Yes, sir.

Representative CARTER. And nothing being done to check it?

Mr. WHITWELL. No.

Representative CARTER. In the way of sanitation I mean.

Mr. WHITWELL. Yes. One boy in particular, George Marks, is in the business department, and I ought to have seen it sooner. I noticed he had a squint, so I sent him over to be examined, and he had a very severe case of trachoma and had been in school right along.

Representative CARTER. What was his name?

Mr. WHITWELL. George Marks.

Representative CARTER. Is he still here?

Mr. WHITWELL. Yes, he is still here. Of course, he is getting treatment now.

Representative CARTER. Is he segregated?

Mr. WHITWELL. I do not think he is; I think he goes with the other boys. He is in the business department.

Representative CARTER. Do you know of any others?

Mr. WHITWELL. No; I do not know of any, but there may be a considerable number that I do not know of. Of course, that does not come under my special department.

(The following correspondence was submitted by Mr. Whitwell and ordered to be printed in the record:)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
PRINCIPAL TEACHERS OFFICE,
Carlisle, Pa., March 27, 1913.

H. B. PEAIRS,
Supervisor in charge of Indian Schools.

DEAR SIR: These are the facts regarding my experience with attendance records at Carlisle.

When I reported for duty as principal teacher at Carlisle, July 1, 1907, I found, contrary to the usual custom in other schools, that the principal teacher had nothing whatever to do with the attendance reports.

It was some time in 1910 before I even saw one of these reports. Consequently I was naturally somewhat surprised when without any explanation one of the quarterly reports for this year (1910) was sent to me for my signature, I at the time knowing absolutely nothing as to how it was made up.

I signed this report, at the same time resolving in the face of past experience to investigate a little before I signed another, if called upon to do so. Consequently when the report for the following quarter was sent to me for my signature and I found some

names on the roll that should have been dropped, I immediately wrote a note to Mr. Miller who was then in charge of the report, asking if there was any authority for carrying such pupils on the roll. Not receiving a reply, I mentioned the matter to Superintendent Friedman explaining why I did not sign the report and reminding him of the trouble caused at Haskell Institute when Supervisor Conser found a few names on the roll that should have been dropped. Mr. Friedman answered, "It is not necessary for you to sign them, some one else will."

When Supervisor Pierce informed me of the condition of the attendance reports, I simply related in substance what I have written, to show him that I was not in a position to give him any definite information.

My next experience with the reports was when I was assigned to the work of making out the same on July 26, 1911. I have made, or supervised the making, and signed all reports since that time.

Very respectfully,

JOHN WHITWELL,
Principal Teacher.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN INDUSTRIAL SCHOOL,
Phoenix, Ariz., March 19, 1913.

Mr. JOHN WHITWELL,
Principal Teacher, Indian School, Carlisle, Pa.

MY DEAR MR. WHITWELL: You will recall, no doubt, the visit that Supervisor Pierce and I made to Carlisle in February, 1911. I believe it was when we examined the attendance records and found a discrepancy between the enrollment as shown by the quarterly attendance reports and the actual attendance, plus the actual number of pupils outing.

I have not the report we made, but as nearly as I can recall there were nearly 200 more names on the roll who were shown as having been in attendance during the full quarter just previous than were actually present and outing. A careful examination proved that many pupils who had been at their homes for periods varying from one or two months up to several years were still carried on the roll and were given full time in the attendance reports. This was brought to your attention, and you stated to Supervisor Pierce and myself that because of that fact you had refused to sign the quarterly attendance reports, and that Superintendent Friedman told you that you did not have to do it for he could get some one else to sign them; that, thereafter, the attendance reports had been made in the superintendent's office and had been signed by one of the clerks, Mr. Miller, I believe it was.

The discrepancy in the attendance reports was reported by Supervisor Pierce in his report to the Commissioner of Indian Affairs, and I was informed that pupils who were at their homes were dropped. No further action was taken by the office in the matter except to make a general ruling applying to the service at large, with reference to dropping pupils from the rolls at the end of not to exceed 30 days after leaving the school.

I always felt that the action taken by Superintendent Friedman in taking the attendance reports out of your hands because you would not sign reports which were padded and having some other employee sign them was entirely wrong, in fact, that it was an intentional and deliberate falsification of the school records and accounts.

Since Superintendent Friedman has become a candidate for promotion to the office of Commissioner of Indian Affairs, I have made a statement that Superintendent Friedman wilfully falsified his records and accounts, the particular instance being the one herein mentioned, the statement which I made found its way to the Secretary of the Interior and finally to the Office of Indian Affairs, and I am now asked to prove the statement. I will do so by giving the substance of Supervisor Pierce's report upon the attendance at Carlisle at the time he visited the school.

That I may prove that part of the statement in which I say that padding of the accounts was wilful, intentional and deliberate, I want your sworn statement with reference to Superintendent Friedman's taking the making of the attendance reports out of your hands because you were unwilling to sign them when they did not portray the facts, but showed a padded attendance. As nearly as I can remember, I have given you the substance of your conversation with Supervisor Pierce and me about this matter.

I dislike to bring you into this fight, but it is absolutely necessary to do so. I hope, Mr. Whitwell, that you will realize the real necessity of giving me a very carefully worded and full sworn statement covering the incident, because if you fail to do so,

it will be impossible for me to substantiate the charge made. You have the key to the situation. The records I can easily prove and that the attendance reports were padded intentionally must be proved by securing your sworn statement. I will get a sworn statement from Supervisor Pierce verifying my statement that you made such a statement to both of us, but a statement from you will make the case positive.

You need not have any fear of the result—you will be protected. Please prepare the statement and mail four copies of it to me at Lawrence, Kans., care of Haskell Institute, at the earliest possible date.

I hope you will consider this matter entirely confidential at the present time.

Sincerely yours,

H. B. PEAIRS,
Supervisor in charge of Indian Schools.

(N. B. Signed by himself.)

(N. B. Written in lead pencil: Lawrence, Kans.)

OFFICE OF PRINCIPAL TEACHER,
CARLISLE INDIAN SCHOOL,
October 8, 1913.

Supervisor H. B. PEAIRS,
Indian Office, Washington, D. C.

DEAR SIR: Due to either malice or ignorance on the part of Supervisor Friedman, I am greatly hindered in successfully carrying on my work as principal teacher at the Carlisle Indian School, and I ask you as one fully acquainted with the facts concerning my work before coming here, the circumstances attending my appointment here, the commissioner's promise made at that time to consider favorably any request I might make for transfer, also your further acquaintance with some of the difficulties I have encountered here, to lay before the Commissioner of Indian Affairs at the earliest possible date the following as a part of the evidence which will go to prove the correctness of the foregoing charges and conclusions.

1. My treatment when I reported as to conditions at athletic quarters during the quiet hour. I believe Supervisor Peairs and Mr. Carter can explain this.

2. The refusal of the superintendent to support me in refusing to approve of requests for boys to visit girls at girl's quarters.

3. The ignoring of my suggestion made at a meeting of all employees, that we follow the old rule of the school and keep boys and girls apart as much as possible.

4. Ignoring my repeated assertion in the face of immorality that the highest test of the school is its result in moral training.

5. My refusal to approve of a certain boy visiting a certain girl at the hospital at the request of Miss Guest. Superintendent Friedman suggested over the phone that I had better approve of it so that he would not have to go over my head. I still refused.

6. My refusal to indorse the moral side of Maj. Mercer's administration. I believe this to have antagonized those who are now acting as the superintendent's tools more than it has the superintendent himself. The effect, however, is the same.

7. My approval of the Y. W. C. A. secretary's plan to provide amusement during dancing hours for those who did not wish to dance.

The superintendent called me into his office and in the presence of the secretary said that while it might be a good thing in some ways it was probably impracticable and wanted my opinion. He seemed disappointed when I gave it to him.

8. My open criticism of the veracity of a letter which the superintendent proposed to send to Miss Richards regarding the writing of a letter to the Indian Office by John Jackson, a pupil.

In the letter which he proposed to send and which he laid before the faculty for indorsement, he did not state the facts as they were and I told him so.

9. My attitude of withholding indorsement or approval of matters concerning the school which have been exaggerated or misrepresented. There has been an unlimited amount of such matter. Past issues of the Red Man and Arrow will prove this.

10. My challenging the assertion on the part of the superintendent at a faculty meeting to award diplomas—that there was no difference between a pupil teacher and a teacher. He said the difference was one of tweedledee or tweedledum. Such assertions naturally discount the excellent work done in the training of pupil teachers in our normal department, a work which has always been a strong factor in academic work. As in other cases the assertion was clearly due to malice or ignorance.

11. My affidavit regarding attendance reports at Carlisle given Supervisor H. B. Peairs. I wish to say this as an official duty solely.

12. My refusal to give false evidence as to the keeping of the attendance reports at Haskell Institute. Since this time my position here has been well nigh unbearable and only the conviction that I had stood firm for the right has kept me from resigning.

13. During the summer months the interests of the academic department have been ignored so far as the detailing of teachers is concerned except oiling floors and cleaning windows, other than this the work done by the director of music in the principal teacher's office was more harmful than otherwise; books were placed on shelves so as to look nice instead of being arranged ready for use as they formerly were by teachers especially detailed for that purpose.

14. My open criticism of the small amount of agricultural training given the students and the undue prominence given to art and telegraphy, both of which have proved failures at the expense of the academic department, while at the same time the teachers of these and the music department have received special mention and teachers who were faithfully performing their duties almost ignored.

15. Two weeks ago I commenced to follow that part of the commissioner's letter of instructions in "citizenship" which suggests using the following topics at opening exercises: "Obedience, cleanliness, and neatness," etc. Last week I received a three-page letter of instructions regarding chapel exercises, which provided for nothing but what had already been done, except as regards the leading of the singing, but which did order the elimination of recitations by pupils from the higher grades, such recitations being specially selected for the moral lesson they contained. As regards the music, the director of music is to lead in person. This he did on Monday last while the superintendent was present. He selected for singing one of the hymns forbidden by the Indian Office regulations.

Before reading the Scripture lesson I felt it my duty to call attention to this error, but this did not prevent the superintendent lauding the music and ignoring the rest of the program, even if it did provide for carrying out the commissioner's instructions.

The same letter contained such ridiculous instructions regarding dismissal that I felt compelled to go to the superintendent's office before the next chapel exercises (after spending considerable time trying to find a way out of the dilemma) and asked to have them withdrawn, which was granted and the dismissal was conducted in the usual manner. The following quotation was used at the chapel exercise: "Training in good habits of thinking and acting is of more value to pupils than the learning of all that the best text books contain concerning the whole circle of the sciences."

16. I wish to state here that while the preceding incident and many similar ones have made my position here a very trying one I still had hopes that I would be able to do just what I have always done in the past and pull through without having to defend myself, but the following incident which happened yesterday, made it impossible for me to longer remain silent and at the same time preserve a spark of manhood or honor. Last year at my suggestion a series of debates was carried on between our literary societies and Carlisle High School students. Supt. Wagner of the city schools, Supt. Friedman, and myself met at Supt. Friedman's residence and arranged the details. The principal teacher at Carlisle has always had supervision of the literary societies and weekly reports are sent to him by the official visitors. The debates passed off very satisfactorily and the results justified our planning for another series of debates.

I found Supt. Wagner willing and glad to help out.

Sometime in the forenoon of yesterday word was sent me from Mr. Meyer's office that Supt. Wagner wanted to speak with me over the phone. I found he wanted to speak about the debate, which is to be given on November 8. He said Mr. Stauffer had interviewed him, but he wanted to know when to come out to see Supt. Friedman and myself so as to arrange details of debate. I told him to hold the phone and I would try to arrange the date. I asked Supt. Friedman what date would be suitable. He replied he had instructed advisory members to see Supt. Wagner and make all arrangements.

As I was then planning for another debate which is to take place Saturday evening between members of our different societies, I asked if he had sent out instructions in regard to this too; he said the head of the department would do that. I asked him why the head of the department should not do as had been done before and attend to the other debate, or at least be notified that his services were not needed; he made no direct reply. I told him I could not go on with my work under such conditions, that I wanted to charge him right there with malice or ignorance so far as his attitude toward my work is concerned, and I admit I said some things I should not have said, among them that he was a dirty skunk. He called in Miss Rice, the stenographer, and asked me to repeat what I had said. I repeated the charge in these words; turning to Miss Rice, and pointing my finger at Superintendent Friedman, I said, "You

can say that I charge this man with being guilty of either malice or ignorance so far as my work is concerned."

Superintendent Friedman replied that he would prove I was "incompetent." I answered I was fully aware that he had been distorting the truth and sending me letters with some such purpose in view, that I had kept the letters and would prove, when the proper time came, that it was either malice or ignorance that prompted the writing of them.

I came back to my office and took charge of a meeting of the advisory members and presidents of the literary societies which are to debate on Saturday evening, outlined a program and sent it to Superintendent Friedman for approval. I have not heard from it and I do not know what to do for the best.

Very respectfully,

JOHN WHITWELL.

UNITED STATES INDIAN SCHOOL,
Carlisle, Pa., October 14, 1913.

Mr. JOHN WHITWELL, *Principal Teacher:*

In a letter to the Commissioner of Indian Affairs you are charged with making an unwarranted, abusive, and insubordinate attack on the superintendent on the afternoon of October 7th in his office and calling him "a dirty skunk."

It is also charged that your work has not been satisfactory or up to the standard, that you have been derelict in your duty, that you have not visited the class rooms as you should and given instruction to the students, or properly observed the work of the teachers; and that until I undertook to reorganize your work during the past summer, it was constantly growing worse instead of better.

You will be given three days to prepare such statement and give answer in such way to the charges above mentioned as you desire.

Yours, respectfully,

M. FRIEDMAN, *Superintendent.*

1612 STATE STREET, HARRISBURG, PA.,
October 15, 1913.

BISHOP DARLINGTON.

MY DEAR BISHOP: If you wish to inquire about Mr. Whitwell from the teachers directly, write to Miss McDowell, in charge of the juniors, high-school department; Miss Lydia Kemp, head of the normal-training department.

These two teachers are of long standing in the Indian Service and are as concerned over the deplorable conditions as Mr. Whitwell or me.

I trust you can exert a strong influence and help at this time.

Very respectfully,

JOSEPHINE W. HART.

[No. 8.]

AUGUST 4, 1913.

Mr. WHITWELL: I am sending you herewith copy of a note to Mr. Washington with reference to the condition of the large-boys' building some days ago. I was over in the large-boys' quarters Sunday morning and found this condition, if anything, worse. He has evidently left it at the time of his resignation completely in the hands of the boys.

It is directed that you and Mr. Collins make a business of getting the building in shape. For this purpose it will be necessary to utilize a detail of boys and give the building a thorough cleaning up. It would be well to call the boys together and give them a talk about the matter, so that they keep their rooms in better condition. But for the present, and until the disciplinarian returns, it will be necessary to make a daily round of inspection to see that these instructions are carried out. The "leaves" of one or two teachers expire this week, and if you can utilize their services in this work let me know and I shall detail them to the large-boys' quarters without delay. Please give the matter your immediate attention.

Very respectfully,

MOSES FRIEDMAN,
Superintendent.

[No. 8.]

JULY 12, 1913.

Mr. WASHINGTON,
Acting Disciplinarian.

DEAR SIR: I have been through your building several times within the last few days, and I find a very filthy condition of affairs. Beds are unmade, old clothing is lying around, the rooms are being used for toilet purposes, the halls are littered, and the building generally is unkept. You are directed at once to take a detail of boys and clean this building up from garret to cellar,¹ and you will see to it hereafter, while you are in charge of the building, that at all times all the rooms, the halls, and the immediate premises, are in a neat condition, clean and sweet smelling. The matter is not one which can be delegated to boys. It should have your personal attention.

Very respectfully,

MOSES FRIEDMAN,
Superintendent.

Copy to Mr. Kensler.

[Notes on superintendent's letter of Aug. 4, 1913, made by Whitwell.]

This shows the character of the work to which I was detailed, and the way in which other teachers were brought into it.

Of course there was nothing to do but use the other teachers.

The interests of the academic department were not to be even considered.

[No. 9.]

AUGUST 8, 1913.

Mr. WHITWELL: I am transmitting to you herewith circular letters from the Indian Office with reference to the preparation of compositions on "Citizenship." You are directed to carry out the instructions given in this letter, transmitting as many as are necessary to the teachers in whose classrooms these compositions are to be prepared, and complying in every way with the directions given by the office. The compositions should be prepared on time and mailed in the way designated. This should be made an opportunity for the development of sound ideas and the giving of thorough instruction along these lines to our students.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

[Notes on superintendent's letter of Aug. 8, 1913, transmitting commissioner's circular regarding "Citizenship."]

Evidently the superintendent did not read the circular. As I have already shown he ignored its instructions regarding using such topics as obedience, etc., for talks at chapel exercises, and sent instructions of his own.

He has taken no further steps to see if this important work is being done, such as he has taken in many minor matters.

[No. 10.]

AUGUST 12, 1913.

Mr. WHITWELL: It is directed that you resume your regular activities at the school building, so as to have all the rooms prepared in the best possible shape, ready for the school year. The lower floor has been rather badly mused up on account of repairs of windows in the hall, and it will be well to lock the doors leading from the hall to the schoolrooms on both sides. It may be necessary before putting oil on to have these rooms mopped. The work should be done thoroughly and just now be resumed so that the entire building is given a chance to dry. Miss McDowell is detailed to assist in this matter.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

¹ "From garret to cellar" should read "from cellar to garret" (in original copy).

[Notes on superintendent's letter of Aug. 12, 1913.]

The superintendent evidently thinks my regular activities are as he has here outlined them.

He told me before I left for vacation he was anxious to have the floors oiled as soon as possible, and Mr. Kensler procured the oil right away and notified Mr. Stauffer then in charge. The head janitor told me he also had advised Mr. Stauffer, as he knew that I would have started the work before I left if the oil had been on hand.

[No. 11.]

AUGUST 12, 1913.

Mr. DIETZ: During the coming school year you will be detailed to take charge of the mechanical-drawing classes in the shop building in the room which has been fitted up for that purpose. You should go over the matter thoroughly with Mr. Collins in order to get a close insight into the work, and it is directed that you do everything necessary this summer to prepare yourself to carry on this work successfully. It may be the classes will not begin promptly after the 1st of September, but they will be started as soon thereafter as possible. There is a good library on hand in the mechanical-drawing room for suggestive use. Possibly certain materials will be needed to carry on the work, and you will ascertain the facts with regard to this by consultation with Mr. Collins. Go into the work thoroughly, so that all necessary preparations can be made for the proper conduct and success of instruction in mechanical drawing during the first few months that we shall conduct these classes this year.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

Copies to Mr. Kensler, Mr. Whitwell, Mr. Collins.

[Notes on superintendent's letter to Mr. Dietz, Aug. 12, 1913.]

For many months Mr. Collins (for whom the superintendent claims he obtained a promotion to Riverside School) had been detailed by the superintendent to the farm.

Mr. Dietz, with little or no experience in teaching mechanical drawing, is to take up the work that an experienced teacher was forced to give up to do farm work.

[No. 12.]

AUGUST 18, 1913.

ORDER:

The telephone now in the principal teacher's house is not needed for official use. It is directed that this be removed to the teamster's house, where it will be in constant requisition.

M. FRIEDMAN, *Superintendent.*

Copies to Mr. Whitwell, Mr. Kensler, Mr. Foulk.

[Notes on superintendent's letter of Aug. 18, 1913.]

Evidently the ignoring of the principal teacher, as was done in the matter of arranging debates, was a premeditated plan.

[No. 13.]

AUGUST 19, 1913.

Mr. WHITWELL: I noticed on Monday that several of the boys working in the school building were preparing to oil the floor in the business department without mopping and giving it a thorough cleaning. Such use of the floor oil is worse than useless. As there was none apparently looking after these boys at the time, it is directed that whenever floor oiling or any cleaning of this character is done, the boys have definite personal supervision. You will find that best results can be obtained by working with the boys.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

[Notes on superintendent's letter of Aug. 19, 1913.]

I admit I was not in the school building at the time the superintendent poked his head in at the window and said to some boys who were getting ready to oil, "You are not going to oil that floor without mopping, are you?" The boys had not so far oiled

any floors without mopping, and at that time mops, buckets, and brooms were in the room, and Miss McDowell, who had attended to all the mopping, was preparing to attend to this.

[No. 15.]

SEPTEMBER 3, 1913.

Mr. WHITWELL. As there seems to be a misunderstanding with reference to what is to be expected of the students in the business department, these instructions are issued.

Those students who are regular students of the business department by virtue of being graduates of this school, or the graduates of some other school, and have passed an examination here for proper entrance as regular students in the business department, will attend classes in that department both morning and afternoon. The principal teacher, acting in conjunction with the business teacher, will decide whether certain other students who have been in the business department for a year or more shall be considered as regular students. All regular students of the business department will be expected to take care of their rooms and perform other domestic duties such as will not interfere with their attendance on their regular classes during the day and the study hour in the evening, which duties will be assigned them by the matron or disciplinarian.

All students who are in the business department for part time, and are undergraduates, will be permitted to attend school only one half day, and will be detailed to some regular industrial department the other half day. It will be well, hereafter, not to extend special permission to students in the departmental grades to attend the business department. The business teacher will have sufficient work to take up all her time by handling the regular students of the business department and looking after the special classroom instruction, which is to be given to all the departmental grades.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

[Notes on superintendent's letter of Sept. 3, 1913.]

This is in a large measure explained in my comments on superintendent's letter of May 26, 1913.

[No. 16.]

SEPTEMBER 4, 1913.

Mr. WHITWELL. It is desired that you submit a program showing hours, etc., so that the moral instruction mentioned in the communication herewith submitted can be given. The work can commence Monday morning, November 10, and continue for the next four days thereafter.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

(Dr. Fairchild's program attached.)

[Notes on superintendent's letter of Sept. 4, 1913.]

I simply submit this as showing I am still called on to do the organizing of my work, despite the superintendent's claim that he has undertaken such work.

[No. 17.]

SEPTEMBER 9, 1913.

Mr. WHITWELL: I have been visiting the various class rooms during the study hour period, and several things have crept in which are inimical to the best interests of the study hour period.

For instance, I note one of the class rooms spends a period of time singing before the study hour work begins. This is unnecessary, breaks into the study hour period, and interferes with the study of the other classes which do not happen to be conducting similar work, and prevents concentration on the part of the students in these other classes.

In visiting the library, I noticed that the four upper or departmental grades are permitted to spend one evening each week in the library. It is presumed that this

was for the purpose of real study or for reference work under the personal direction of the teacher in charge and of the librarian. Last evening I saw one of the classes there and a large number of the students were reading the comic section of the Sunday newspapers. This can hardly be termed studying. The students have ample time to read newspapers in the quarters during their spare time. If the departmental grades are permitted to go into the library, the librarian should have all the magazines and newspapers out of the way, and it should be insisted upon that the students spend this time in studying matter pertaining to their class-room work. It is directed, therefore, that these practices be stopped and you will give your personal attention to the matter.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

Respectfully forwarded to teachers for their information and guidance.

Very respectfully,

JOHN WHITWELL, *Principal Teacher.*

[Notes on superintendent's letter of September 9, 1913.]

Paragraph 2. Several teachers had suggested to me that five minutes might well be given to opening exercises. Any teacher knows the value of a few minutes spent this way.

I approved their request on condition that the work of other rooms was not to be interfered with. It was which could only be for the first five minutes, then the superintendent's instructions were in line with my own.

Paragraph 3. Since this was written the superintendent has silently indorsed these students being in the library at this time. The freshmen are going on Monday evening, the sophomores on Tuesday evening, the juniors on Wednesday evening, and the seniors on Thursday evening. The class in question was the freshman class (their teacher, who was promoted over my protest as not being "staid" enough for this position, although a good teacher in a lower room). There were other teachers better fitted for this room. This proves it.

For a while her class had to be kept out, and no later than Monday evening last the librarian complained that they were not as well behaved as the others.

[No. 18.]

SEPTEMBER 9, 1913.

Mr. WHITWELL: For the safety of the girls and for proper discipline it is directed that hereafter when the girls go to study hour that they all march in through the front hall and go to their various class rooms by passing through the downstairs rooms, and if they attend classes upstairs they shall go by way of the inside stairways. It has been found that boys on several occasions linger around the hat rooms on the outside of the porch when the girls march in. You should be on duty yourself in the hall to see that proper discipline is maintained.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

Miss RIDENOUR.

Mr. MCKEAN.

Mr. DENNY.

Respectfully forwarded to teachers for their information and guidance.

Very respectfully,

JOHN WHITWELL, *Principal Teacher.*

[Notes on superintendent's letter of Sept. 9, 1913, regarding safety of the girls and proper discipline.]

Up to this time I had stood every evening outside the building, opposite the center, when both boys and girls marched in. I could see them enter their schoolroom doors. The teacher was inside, and if a boy loitered in the cloakroom that teacher was to blame.

The superintendent's instructions have been carried out. Some teachers have to leave their rooms to stand at the head of the stairways as the girls enter.

By discussing plans at teachers' meetings we have been able to carry out the superintendent's instructions.

When he says, "You should be on duty yourself in the hall to see that proper discipline is maintained," he evidently wants to give the impression that I had not been on duty and was not looking after the discipline. A boy may loiter any time, but there is a way to remedy it.

There has never been any serious trouble about getting the pupils to their rooms, but if the teachers and I had not planned in detail at teachers' meetings as to how we were to assemble all the girls at one time in the hall for dismissal, as instructed by the superintendent, there would have been a grand mix-up; the same with the boys.

[No. 19.]

SEPTEMBER 18, 1913.

MR. WHITWELL. The lights in the office of the school building and in one or two of the rooms are not always turned off after study hour in the evening. You will find it desirable to stay at the school building until all lights are turned off properly and the building properly closed for the night. Experience has shown that it is unsafe to allow matters of this kind to boy janitors.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

[Notes on superintendent's letter of Sept. 18, 1913.]

Last night Mr. Stauffer was using the lights in the music room after study hour. The head janitor was there. With all the other lights turned out, why should not he, with the help of the head janitor, attend to his own lights.

I simply mention this to show the circumstances under which some lights may be burning after study hour.

[No. 20.]

SEPTEMBER 23, 1913.

MR. WHITWELL: Bruce Goesback, who was dropped some months ago as a student, when he was taken up on the Government pay roll, was dropped from the Government pay roll beginning with September 1, and he is to be taken up again on the rolls as a student beginning with this date, the 23rd.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

Copy to Mr. McKean.

[Notes on superintendent's letter of Sept. 23, 1913.]

I simply send this to complete the list of letters sent to me by the superintendent since the time he claims to have undertaken the work of organizing my department.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SCHOOL,
Carlisle, Pa., December 12, 1913.

MR. WHITWELL: As per instructions from the superintendent, Bruce Goesback is to be dropped from the school rolls on November 30, 1913, and will be taken up as an employee beginning December 1, 1913.

Very respectfully

—————, *Chief Clerk.*

[No. 21.]

CARLISLE, PA., *September 29, 1913.*

SUPERINTENDENT FRIEDMAN: The reports from girls' quarters have been returned without the health of the girls being reported. The matron advises this is to be done at the hospital. I have no instructions to this effect. The disciplinarians have made their reports just as they have always been made, and it is evident that the hospital officials are not in a position to report on boys and girls they do not even see, but of course I simply want to know how to do it and will be guided by the instructions from the proper authority.

I inclose reports showing how the matter has been handled in the past. Monthly letters are being held.

Very respectfully,

JOHN WHITWELL.

[Notes on principal teacher's letter to Supt. Friedman, Sept. 29, 1913.]

Anyone versed in school matters will realize what it means to have to take this method of "finding out" as to a procedure which I judge has been in vogue here ever since the school was organized.

[No. 22.]

SEPTEMBER 29, 1913.

Mr. WHITWELL: While the monthly school entertainment on Saturday night was a distinct improvement on the poor programs which have been given at times during the past year or two, it was not of the high order and excellence which should characterize a monthly program by a school of this character and size. Some of the numbers had distinct merit and were well rendered, while others were far below par.

So that these programs can be further improved, and the students obtain the maximum amount of benefit from them, you will initiate at once the following plan: One number should be given by the students of each class, including one from the business department. This will mean that each month every teacher in the school building will have one number on. These numbers may be readings, recitations, orations current events, or of similar character. All the vocal, instrumental, and musical numbers will be given by the music department, under the director of music as heretofore.

This will provide a program of proper length. I noticed that the program on Saturday evening was of hardly half an hour's duration.

It is further directed, and the teachers will see the importance of this, that the students be carefully trained.

It is not sufficient that students memorize the words of whatever piece they give. It is of great importance that they get the meaning of the piece, the proper intonations and gestures, and that they speak in a sufficiently loud tone to be heard distinctly in all parts of the room. In order to get these results, the students must be given their numbers at an earlier date, and they must be trained.

I also desire that the band be present at each of these monthly entertainments, instead of the orchestra, to occupy the stage and intersperse several selections.

I am sending you a sample program, which was given at Carlisle, Thursday, April 21, 1904, which will indicate how these programs are to be prepared in the future. In having the program printed, I not only wish the number of the room printed, but the name of the teacher as well. These monthly entertainments are of great importance. The program should be prepared early in the month, so that when it is given the last Saturday of the month, both students and teachers will have had sufficient time for preparation.

These monthly meetings should provide an evening of recitation, song, and entertainment, such as will enthuse and inspire the entire student body, and nothing short of the best should be given. I feel very confident that the teachers at Carlisle will cooperate thoroughly to bring these programs to such a high state of efficiency as will accord with the age and advancement of the student body and the size and standing of the school.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

[Notes on superintendent's letter of Sept. 29, 1913.]

Paragraph 1. The superintendent evidently forgets or does not know that the primary object of these entertainments is to train pupils from first grade to senior in the art of speaking in public, and of memorizing things worth remembering. It is not for show, and it was the fact that many teachers and the superintendent at the time thought that the programs were unnecessarily long, that led to the program's being shortened.

However, I believe the old plan of having a representative speaker from each room, is better than the present plan of alternating each month; but it is not to be expected that all numbers from all classes of pupils will always be perfect. It is more important that they be the right kind of numbers and afford material for character training, than that they should be showy and at the same time detrimental to the best interests of the school and the speaker like the numbers Mrs. Lovewell complains of in her letter to Mr. Stauffer, which I am inclosing. The fact that the superintendent lauds Mr. Stauffer and censures Mrs. Lovewell, would seem to indicate his neglect to appreciate this side of the question.

I will be glad, however, to do all possible in the way of improving our programs.

SEPTEMBER 30, 1913.

Mr. WHITWELL. For the improvement of the regular chapel or assembly exercises, which are held in connection with the work of the academic department, and for the guidance of all those concerned when there is a general meeting of the student body, either at the time of the monthly program or when I speak to the students, or have outside speakers, the following instructions are issued:

The following program will be followed for the Monday chapel exercises:

1. A selection by the orchestra.
2. The singing of a carefully selected song with a good theme.
3. The reading of the Bible lesson.
4. Repeating the Lord's prayer.
5. A talk by the principal teacher.
6. General instructions to students, or announcements with reference to changes, schedules, etc.
7. The singing of a song.
8. Dismissal.

The Bible reading should be of sufficient length—usually a chapter—so that a definite lesson is conveyed, and it should be varied from week to week. These Bible readings should be in accordance with the regulations, as follows:

“Sec. 13. (a) Substitute the revised version for the King James version of the Bible for scriptural reading, and confine these to the four Gospels and the Acts of the Apostles.”

The talk indicated by the principal teacher should be at least 10 minutes long, carefully prepared, and on some well-defined subject which will point out some ideal or lesson in life, or on an educational theme, or on some current event, which should be discussed at length and a definite lesson drawn, either in civic virtue or leading toward citizenship, or for character building.

The various student numbers by students of the upper classes will be eliminated in the future.

In order to obtain the best results and to have proper direction given to the singing, all singing at chapel exercises, or at the general assemblies of students, will be led personally by the director of music, you to announce the number of the song. These same instructions will govern at meetings where the superintendent presides.

When the time comes for the dismissal of students, it will be done by the principal teacher, or whoever is in charge, calling on each section of the students to rise in turn—small boys first, large boys next, girls third—with instructions to the student officers to march off their troops; it is not desired, hereafter, that the students be stopped, or that time be marked for them by the snapping of fingers. If the officers do not march off their students properly, a note should be made of the fact and they should be instructed privately, or by gathering all the officers together and giving them proper instructions. As a matter of fact, whenever I have dismissed the students I have followed this procedure and have never had occasion to criticize the way the students marched out. When the superintendent is in charge of a general assembly he will look after the dismissal of the students himself. When the principal teacher is in charge of the chapel exercises or an assembly he will dismiss them in the way above mentioned, and after calling on the sections to rise will stand off at a distance and allow the captains to take charge.

The careful carrying out of these instructions will be of material assistance, not only in giving proper instruction and in enthusing and inspiring the student body, but in creating that initiative and proper conduct during assemblies as is of most value to students.

Very respectfully,

M. FRIEDMAN, *Superintendent.*

[Notes on superintendent's letter of Sept. 20, 1913.]

(See also copy of my letter of October 15, bearing on this matter.)

In this letter he directs that recitations by pupils in the chapel exercises on Mondays be discontinued. While this request has been complied with, it is not a change for the better. These recitations were helpful not only to those who committed and recited them, but to those who listened to them. They were carefully selected recitations, upbuilding in character. They did require extra work on the part of both pupil and teacher, but it was work that was worth while. Sometimes those recitations were printed in the Arrow under heading as essays.

A teacher protested to the clerk at the printing office that they were not original essays but recitations copied, committed and recited, the reply was, we are to print them as directed.

[Comments on superintendent's letter of May 26, 1913, which was addressed to Miss Moore through Mr. Whitwell.]

Paragraph 2. No instruction in business training was given to departmental students at this time simply because to make a place for the assistant art teacher and assistant coach, the time formerly given to business training was given to drawing by special order of the superintendent.

When the assistant coach was made teacher of mechanical drawing then the business classes were resumed just as they had been before the drawing classes were begun.

Paragraph 3. These rules were suggested by me at faculty meeting and are now in the calendar word for word just as I wrote them.

Paragraph 4. No other student with as little preparation as James Thorpe has ever been admitted to the department. He was never recognized by me as a business student, but spent part of his time in the department. He did not enter his regular classes.

Reports to disciplinarian of his absence from his regular class brought no results. All the superintendent would say was that he should attend school all day.

TESTIMONY OF MISS JULIA HARDIN.

The witness was duly sworn by the chairman.

The CHAIRMAN. Your name is Julia Hardin?

Miss HARDIN. Yes, sir.

The CHAIRMAN. Are you a pupil in the Carlisle School?

Miss HARDIN. Yes, sir.

The CHAIRMAN. How long have you been studying there?

Miss HARDIN. Three years next September.

The CHAIRMAN. What class are you in?

Miss HARDIN. Business department.

The CHAIRMAN. What is your age?

Miss HARDIN. Eighteen.

The CHAIRMAN. Where are you from?

Miss HARDIN. Shawnee, Okla.

The CHAIRMAN. What tribe?

Miss HARDIN. Pottawatomic.

The CHAIRMAN. Are you full-blood?

Miss HARDIN. One-quarter.

The CHAIRMAN. Where did you go to school before you came to Carlisle?

Miss HARDIN. Sacred Heart, Oklahoma; convent school.

The CHAIRMAN. What have you been studying there?

Miss HARDIN. In the business department, taking up law, shorthand, typewriting, spelling, arithmetic, and English.

The CHAIRMAN. Who is your teacher?

Miss HARDIN. Miss Moore.

The CHAIRMAN. What is your relationship with her? How do you get along?

Miss HARDIN. Very well. I have always gotten "excellent" in my reports.

The CHAIRMAN. You have gotten "excellent" on all your reports?

Miss HARDIN. Every month since I have been in there.

The CHAIRMAN. How do you get along with her with reference to being friendly?

Miss HARDIN. We are all right.

The CHAIRMAN. You have had no trouble whatever?

Miss HARDIN. No, sir.

The CHAIRMAN. Did you desire to go into the country and work in somebody's home?

Miss HARDIN. I wanted to go after I found out the girls were all going. I asked if I could go—the outing agent came to me and asked me if I wanted to go to the country. I said, "I don't want to go right away." She said, "Come and sign, and we will look up your country home." I said, "Wait until I get a trunk and some clothes." I did not want to sign right away, but she said to sign so she could be looking up my home in the meantime.

The CHAIRMAN. When were you informed you had to leave to go to the country?

Miss HARDING. One morning, I think it was the 2d of June. They told me that morning just before dinner that I was to leave the next morning on the early train.

The CHAIRMAN. Who was it that told you that you must get ready to go to the country?

Miss HARDIN. The report came here from the matron's office. I did not know who sent it, but it said, "You are to go to the country to-morrow morning. Come out and get your things ready."

The CHAIRMAN. Were you ready to go then?

Miss HARDIN. No; I had no trunk, and not the clothes that I wanted.

The CHAIRMAN. What did you do?

Miss HARDIN. I came over and I saw our matron about it. She said she had nothing to do with it; that I was supposed to go to the country. She sent me up to the office, and I went up to Mrs. La Flesche. Mrs. La Flesche said I was to go to the country, and if I did not want to go I was to see Mr. Friedman about it. So after dinner I ran up and met Mr. Friedman and asked him could I wait, and I stated just how it was. He said, "I have not anything to do with it; go to your matron."

The CHAIRMAN. The matron sent you to Supt. Friedman and he sent you back to the matron?

Miss HARDIN. Yes, sir.

The CHAIRMAN. Did you go back?

Miss HARDIN. I went back to her and I told her. She said she had nothing to do with it; that I had to go to the superintendent. So neither one gave a definite answer and I did not know what to do. I went to school that afternoon; so she sent for me from school. I came over, and she told me I was to get my clothes ready and take them in a bundle if I did not have any trunk.

The CHAIRMAN. What did you do?

Miss HARDIN. I came over and I went in the sewing room—the clothes room, rather—and I told her that I did not want to take my clothes in a bundle. She told me to sit on a chair, and I sat there. I waited there until she got through packing up the clothes. Finally Mr. Stauffer came in. He said, "Julia Hardin, you are going to the country." I never said anything else. Finally he said, "Go in the office, there." I walked in the office, and there was a check to sign for my train fare. He told me to sign the check. I said, "I have not got my clothes ready." He said, "Don't mind about your clothes." I refused to sign the check; so he grabbed me and said, "You are going to sign it." So he slapped me.

The CHAIRMAN. With his hand?

Miss HARDIN. With his hand.

The CHAIRMAN. Where did he strike you?

Miss HARDIN. On my face.

The CHAIRMAN. Go ahead.

Miss HARDIN. Then I stepped back and he said, "You are going to sign this check and go to the country to-night at 5 o'clock. We are not going to let you wait and go with the other girls." They had my uniform there. He said, "We are not talking about your clothes or anything. You are going to the country." I just sat there. He said, "I am going to give you a sound thrashing, and I will stand the responsibility." I told him, "Well, if you had let me get ready I would sign it, but not until." He said, "You will go as I say. We won't make any arrangements for you."

So I stayed there, and all of a sudden he jerked a board down from one of the window sills and he pushed me down on the floor, and two of the matrons held me: Miss Ridenour was one, and I don't know who the other was. They put down the curtains, so no one could see in, and they locked the door.

The CHAIRMAN. Who locked the door?

Miss HARDIN. I think it was Miss Ridenour.

The CHAIRMAN. Well, they held you. What did he do?

Miss HARDIN. He whipped me.

The CHAIRMAN. What with?

Miss HARDIN. With the board off the window sill.

The CHAIRMAN. How many times did he strike you?

Miss HARDIN. He whipped me for at least ten minutes.

The CHAIRMAN. Did he hurt you?

Miss HARDIN. Yes, sir; he did.

The CHAIRMAN. How large was the board?

Miss HARDIN. It was one of those boards off the window; that long and that wide [indicating].

The CHAIRMAN. About three inches wide—

Miss HARDIN. Yes, sir.

The CHAIRMAN. And 2 or 2½ feet long?

Miss HARDIN. Yes, sir.

The CHAIRMAN. What position was you lying in on the floor?

Miss HARDIN. I was lying on the floor and he would keep pushing me up against the wall.

The CHAIRMAN. Were you on your back or on your face?

Miss HARDIN. I was on my face, because I had my hand over my head.

The CHAIRMAN. Where did he strike you?

Miss HARDIN. On the head, and every place. He hit me in the face, and every place, so I laid with my hand like this so he could not touch my face.

The CHAIRMAN. How did he come to whip you? Was he connected with the discipline in any way? Did he explain to you?

Miss HARDIN. He did not explain anything. He came in there, and just as soon as he said "Sign that check," and I never signed it, why he said, "I will stand the responsibility." And Miss Ridenour said, "Yes, go ahead." And he said, "Shall I whip her some more?" He said, "Well, I will stand it; I will not let her get ahead of me."

The CHAIRMAN. Did Mr. Whitwell come over there?

Miss HARDIN. Yes. Finally Mr. Stauffer got through whipping me, I guess he got tired. He sat down, and he said, "Are you going?"

and I said, "Not on condition the way you are treating me." He sent for Mr. Whitwell, and Mr. Whitwell came over and he came up to me, and he said, "Julia Hardin, are my eyes deceiving me, or what?" He came over to me and spoke in a nice way, and said, "Come on, Julia; come over and sign this check and go to the country, and show them you are a lady." I said, "All right," and I signed the check, and I went to the country the next morning. After Mr. Whitwell left, Mr. Stauffer and Miss Ridenour took me to the lock-up. I stayed there until after supper, and I went out to get my clothes. When she took me back it was awful hot in there, so I asked her if I would apologize to her would she take me out on condition I was going to the country. She said, "If you apologize to us we will let you out," so I apologized to her. But she said, "We don't want you with the girls," so she put me down in her room that night.

The CHAIRMAN. Where did you go in the country?

Miss HARDIN. Merchantville, N. J.; Mr. and Mrs. Crawford.

The CHAIRMAN. How long did you stay there?

Miss HARDIN. Three months.

The CHAIRMAN. What did you get?

Miss HARDIN. Six dollars a month.

The CHAIRMAN. What did you do?

Miss HARDING. Washing, scrubbing, housecleaning, and cooking.

The CHAIRMAN. Did you pay your railroad fare one way?

Miss HARDIN. Yes, sir.

The CHAIRMAN. What were your railroad expenses?

Miss HARDIN. \$3.79.

The CHAIRMAN. How did the people with whom you were staying treat you?

Miss HARDIN. They treated me nice.

The CHAIRMAN. Have you had any trouble since you came back?

Miss HARDIN. No.

The CHAIRMAN. Have you ever had any trouble with the teachers or matrons before?

Miss HARDIN. No, sir.

The CHAIRMAN. Didn't you use some offensive language or something to cause them to lose their temper?

Miss HARDIN. No, sir.

The CHAIRMAN. You got mad, of course?

Miss HARDIN. Yes, I got mad, of course.

The CHAIRMAN. Did you come here with the expectation or intention of being sent out into the country?

Miss HARDIN. I knew nothing about it.

The CHAIRMAN. Did you know how to do housework before you came here?

Miss HARDIN. Yes, sir.

The CHAIRMAN. Did you consent to study housework?

Miss HARDIN. Why, no; I know nothing about it.

The CHAIRMAN. After you came, you say, you understood some of the girls were going, and you did consent to go on condition you would have an opportunity to get ready?

Miss HARDIN. Yes, sir. But at the time the report came for me to go Miss Johnson was not here, so I did not have any proof that I did intend to go on these conditions.

The CHAIRMAN. Do you know whether Mr. Stauffer has whipped any other pupils or not?

Miss HARDIN. Yes, sir; he has whipped several of his band boys in the guard house.

The CHAIRMAN. Can you name some?

Miss HARDIN. Two, and I forgot the other boys' names.

The CHAIRMAN. He whipped them in the guard house?

Miss HARDIN. Yes, sir; while they were in there, he and Mr. Warner.

The CHAIRMAN. Do you know the names of the other boys?

Miss HARDIN. Robert Nash.

The CHAIRMAN. Is he here now?

Miss HARDIN. He is here now. The other one is away.

The CHAIRMAN. Do you know of other girl students in the school who have been struck or whipped by any other person at Carlisle?

Miss HARDIN. There is a lot of girls over there.

The CHAIRMAN. You have named Robert Nash as one of the boys that were whipped in the lock-up by Mr. Warner and Mr. Stauffer. Were the other boys Thomas Nicholas and Charles Bellcourt?

Miss HARDIN. I do not know of them.

The CHAIRMAN. Did you know of Miss Ridenour and Miss Rosa Knight having a difference?

Miss HARDIN. Rose Whipper—yes, sir.

The CHAIRMAN. What do you know about that?

Miss HARDIN. One Sunday morning I was in my room—I got excused from church; and Rose Whipper—I don't know whether she got excused or not; I won't say; but I was in my room, and I heard a noise in the next room, and Miss Ridenour slapped Rose. So Rose got out, and the first thing I saw was them scuffling right out in the hall. They were down on the floor with each other, so I saw Rose—she had her hands in Miss Ridenour's hair, and she had her hands around Rose's neck. They were what you would call regular scuffling. Miss Ridenour would say, "Let go of my hair," and Miss Rose would say, "Let go of my neck." Finally she called Miss Knight up there, and she and Miss Knight whipped Rose.

The CHAIRMAN. How old is she?

Miss HARDIN. Nineteen or twenty. Then they put her in the lock-up.

The CHAIRMAN. You have had no further trouble since the incident you have already narrated?

Miss HARDIN. No, sir.

Representative CARTER. Miss Julia, did you ever have any trouble at other schools before you came here?

Miss HARDIN. No, sir.

Representative CARTER. Were you ever corrected or chastised in any way at other schools?

Miss HARDIN. I was corrected for little things I have done, but never for anything that was serious.

Representative CARTER. You were never chastised?

Miss HARDIN. No, sir.

Representative CARTER. You say that you got "excellent" in everything?

Miss HARDIN. I got "excellent" ever since I have been here every day of school.

Representative CARTER. "Excellent" in deportment?

Miss HARDIN. Yes, sir; that is what I mean.

Representative CARTER. You did not get "excellent" for the month that you had the trouble over there, did you?

Miss HARDIN. Why, that was the month that—the 2d of June I went to the country, and I never got my report.

Representative CARTER. You have had "excellent" in deportment ever since you have been here, while you were in the school and while you were out in the country?

Miss HARDIN. Yes, sir. When I went out in the country my country people knew all about this, and when I arrived there she told me, she said: "Julia, we will have to go rather hard on you." I said, "Why is that?" She said, "Because we have a report from school that you had some trouble in coming out here. You are not allowed to go out and visit your friends or anything."

The CHAIRMAN. Did they tell you who had sent that report out there?

Miss HARDIN. They never said, but they knew the whole story. They knew all about it when they met me at the station. She said, "If you are not what they say you are you will have to prove it."

The CHAIRMAN. So you went out there with a bad reputation?

Miss HARDIN. Yes.

The CHAIRMAN. From the school here?

Miss HARDIN. Yes.

The CHAIRMAN. How did you get along with them?

Miss HARDIN. I got along fine. She said—when Miss Johnson came out there Miss Johnson tried to explain the troubles I had. She said, "I don't want to hear anything about it. Julia has always been good as long as she has been out here, and I have got a good opinion of her, and I don't want anyone to change it." And she would not listen. She called me right in and told me. Miss Johnson started in again, and she said, "Miss Johnson, I don't want to know anything about it."

The CHAIRMAN. How long had you been there when Miss Johnson came out and made that statement?

Miss HARDIN. The second day.

The CHAIRMAN. What was her object in coming out?

Miss HARDIN. I don't know; I know nothing about it.

Representative STEPHENS. What position does she hold here?

Miss HARDIN. She is outing agent.

Representative CARTER. How many times did this fellow Stauffer throw you down and whip you?

Miss HARDIN. He must have thrown me down five or six times.

Representative CARTER. Are your mother and father living now, Miss Julia?

Miss HARDIN. No, sir.

Representative CARTER. Both are dead?

Miss HARDIN. Yes.

Representative CARTER. How long have they been dead?

Miss HARDIN. My father has been dead five or six years.

Representative CARTER. Did he die before you came here?

Miss HARDIN. Yes, sir.

Representative CARTER. And your mother died earlier?

Miss HARDIN. Yes.

Representative CARTER. You are an orphan girl?

Miss HARDIN. Yes, sir.

Representative CARTER. How did you happen to come to this school, Miss Julia?

Miss HARDIN. Well, there are several of my friends, girl chums, that were coming, and one day they came over and asked me if I would not come along. My guardian said he thought it would be a nice trip and everything. He said we could come if we wanted to.

Representative CARTER. Who is your guardian?

Miss HARDIN. Mr. Bunton, at Shawnee.

Representative CARTER. How many times did this fellow strike you? Could you give us an estimate?

Miss HARDIN. About 60 times.

Representative CARTER. Did he leave any marks on you?

Miss HARDIN. He did when he hit me on my face. Of course, I had my hands over my face.

TESTIMONY OF MRS. ANGEL DIETZ.

The witness was duly sworn by the chairman.

Representative CARTER. Mrs. Dietz, can you tell us about the discipline and the general conditions in the school at Carlisle?

Mrs. DIETZ. Yes; it has been more or less neglected. It is just practically herding them together, and never giving them advice or counsel. The general outward discipline has been kept up, punishments and that sort of thing, but there is the underlying general neglect of advice and talkings-to they would seem to need.

Representative CARTER. Mrs. Dietz, what about the morals of the school and the attempt to enforce morality in the school? Are the morals of the school good or bad?

Mrs. DIETZ. I think it is, according to this list of names I have; it is pretty bad.

Representative CARTER. What is this list of names you have, Mrs. Dietz?

Mrs. DIETZ. It is an incomplete list of names of girls that I have taken, given me by the girls. They are girls that have been ruined morally.

Representative CARTER. In the school?

Mrs. DIETZ. Yes.

Representative CARTER. How many of them are there, Mrs. Dietz?

Mrs. DIETZ. I have 28 here.

Representative CARTER. How long a period of time has that been running?

Mrs. DIETZ. This covers I do not know how many years, but it is just since Mr. Friedman's time. We did not expect any names that came before that.

Representative CARTER. Those girls have all been ruined in the institution and sent back to their several homes?

Mrs. DIETZ. And out in the country, in the outing districts, some of them, and here in the school.

Representative CARTER. They were ruined in the outing districts and at the school?

Mrs. DIETZ. Yes, sir.

Representative CARTER. About what proportion of them, Mrs. Dietz, were ruined in the school, and what proportion in the outing?

Mrs. DIETZ. That I failed to put down here, but these names written in ink (the first 22) were the names given me by the girls who had been here at least four years, and these names I put down afterwards as ones I remembered and others suggested to me—these names in pencil. I do not know which ones were ruined in the outing districts. I failed to put that down.

(The list referred to is as follows:)

1. _____.
2. _____.
3. _____.
4. _____.
5. _____.
6. _____.
7. _____.
8. _____.
9. _____.
10. _____.
11. _____.
12. _____.
13. _____.
14. _____.
15. _____.
16. _____.
17. _____.
18. _____.
19. _____.
20. _____.
21. _____.
22. _____.
23. _____.
24. _____.
25. _____.
26. _____.
27. _____.
28. _____.

Representative CARTER. Mr. Friedman knows of all this transaction, does he?

Mrs. DIETZ. Yes; and they punished the girls—put them in the lock-up. And in cases where it was impossible to keep them in the school I think they sent them home, but the punishment of expulsion was never pronounced on them until this _____ case took place. I have her name here. That occurred last year. I was highly interested in her case; she was a relation of my mother's. When she was sent here she was sent somewhat in my care, and I kept my eye on the girl for a couple of years. Then when she went wrong I went up to Mr. Friedman. I asked him what he was going to do in _____ case, and he said he was going to have her sent out to the country. I said, "What good will that do, Mr. Friedman, because I understand the girl rebels against that, and she threatens to do worse. She has got to the point of recklessness." And Mr. Friedman said it was because she did not want to go, that that was punishment. He was not going to allow her to marry the

young man, because they wanted to get married. He was one of the school boys here. Then he asked me what reason I had for taking an interest in this case. I said, "For the reason that she is a cousin of my mother's, and when she was sent here she was put under my observation." Then he changed his attitude, and he asked me what suggestions I would make, and as I could not make any suggestions, because he was the head of the school, and I just waited his orders, because I wanted to know so I could send word out to the people. That was the first case they ever expelled. I suggested to him that no punishment would be great enough for a girl who went wrong, because she had learned better before she came here.

Representative CARTER. Was this boy that she wanted to marry the boy that had ruined her?

Mrs. DIETZ. Yes.

Representative CARTER. And Mr. Friedman prevented that, or tried to?

Mrs. DIETZ. Yes; he said he would not allow them to marry, because that is what they wanted to do.

Representative CARTER. And where is the girl now, Mrs. Dietz?

Mrs. DIETZ. She is home.

Representative CARTER. With her mother?

Mrs. DIETZ. Yes. He expelled her, and that was the first time that the sentence of expelling was pronounced on a girl that went wrong.

Representative CARTER. That was the first girl that was expelled for that kind of offense?

Mrs. DIETZ. Yes.

Representative CARTER. That was done because you objected to him keeping her in the school?

Mrs. DIETZ. Yes. I told him that if the school rules had failed to keep her straight it was time she was under the care of her mother and grandmother, and he said: "That is what I will do; I will expel her."

Representative CARTER. And he then sent her home?

Mrs. DIETZ. Yes.

Representative CARTER. You neglected to state to begin with what your position is.

Mrs. DIETZ. I have charge of the art department.

Representative CARTER. You are an art teacher?

Mrs. DIETZ. Yes.

Representative CARTER. You are an Indian, are you not?

Mrs. DIETZ. Yes.

Representative CARTER. What degree of blood?

Mrs. DIETZ. I am three-fourths Indian.

Representative CARTER. What tribe?

Mrs. DIETZ. Winnebago.

Representative CARTER. Now, Mrs. Dietz, can you tell us about the unjust treatment of the boys and girls by the management here?

Mrs. DIETZ. I do not exactly know how to answer that question.

Representative CARTER. Do they treat them all alike?

Mrs. DIETZ. I hardly think so. A good many students complain of the treatment, and it hardly seems just to me sometimes.

Representative CARTER. Can you give us some of the instances of it?

Mrs. DIETZ. Well, an instance came under my observation just this fall. It was the case of a boy, William Zahn; he is a Sioux boy. He is about 21, and he is over age for this school, according to the rules, so he got special permission from the Indian Office, I think, to come here. He came here with the view of studying under Mr. Dietz, starting his career as an artist. He is rather ambitious in that line. He had that understanding before he came here, that he was to study drawing, and when he came here Mr. Friedman told him he could work under him. I remember the day that Francis Zahn came to me and told me he was to work that day in my department. Mr. Friedman took back his word when he started in, and the boy had to go through a good deal of trials and punishments because Mr. Friedman denied that he had given the boy permission.

Representative CARTER. Let me understand that, Mrs. Dietz. The boy says that when he came here he came with the understanding from Mr. Friedman that he was to study drawing and horticulture?

Mrs. DIETZ. No, just drawing.

Representative CARTER. To study drawing. And he started to work under you to begin with, to prepare him for the course which Mr. Dietz was to give him?

Mrs. DIETZ. Yes.

Representative CARTER. And then Mr. Friedman stopped him from that, did he?

Mrs. DIETZ. I don't know—he told me that he had the understanding with the Indian Office—he got special permission because he was over age, and I do not know whether he had an understanding with Mr. Friedman or not, but he come up with that understanding, and Mr. Friedman was willing to have him study his whole time with us.

Representative CARTER. Then when did Mr. Friedman object to his studying?

Mrs. DIETZ. No; he gave him permission, but just verbal permission, and when he was started in, thinking that that verbal permission was enough from the superintendent, Mr. Friedman denied that he had ever gave him permission.

Representative CARTER. Did he ever try to to take him out of the drawing department?

Mrs. DIETZ. Yes. He gave him just half a day, and I told him to be satisfied with that. I kept him in my department on the half-day work.

Representative CARTER. Then the boy got a little refractory because he thought he was not getting—

Mrs. DIETZ. No; he has been very patient about everything.

Representative CARTER. But in spite of that, Mr. Friedman put little punishments on him occasionally?

Mrs. DIETZ. Yes; made it rather hard for him at times; but I told him to just take whatever they put on him because that was the only way that he could get along.

Representative CARTER. The boy is still in the school?

Mrs. DIETZ. Yes.

Representative CARTER. Is he still being discriminated against by Mr. Friedman now?

Mrs. DIETZ. Well, I don't know. The boy is very quiet, and he does not say very much. He has been punished for little things—

Representative CARTER. That other students were not punished for?

Mrs. DIETZ. They said he was loafing one day, and he was punished for that, but I did not inquire into that very deeply, because that only came under the disciplinarian's part of it.

Representative CARTER. Do you know of any other cases, Mrs. Dietz, of discrimination?

Mrs. DIETZ. There was a boy that belonged to a cousin of mine out West. He made the mistake of coming here—I mean, he meant to go to Hampton, and came here instead. When he got here he found he had had all the work that the senior class of the school was doing, and he wanted to go back, and Mr. Friedman told him he could go back if he reimbursed the fare from Winnebago, Nebr., to Carlisle. The boy's father was perfectly willing to reimburse the school for the travel expense of the boy, and then Mr. Friedman changed his mind again. He would not let the boy go, and the boy was kept on here doing nothing, and after a while the boy got sullen, and it kept on, and he was punished more or less. Finally, he went home just two or three weeks ago.

Representative CARTER. What was his name?

Mrs. DIETZ. Francis Lamere.

Representative CARTER. You did not give us the girl's name either?

Mrs. DIETZ. ————.

Representative CARTER. That was your relative?

Mrs. DIETZ. Yes.

Representative CARTER. Are these cases of discrimination that you speak of, Mrs. Dietz, the rule? Is that a common thing among the children, or are these just exceptional cases?

Mrs. DIETZ. There have been a good many complaints just on that order, but I have not been around very much over there. The complaint is general.

Representative CARTER. What can you tell me, Mrs. Dietz, about the food that is furnished the children?

Mrs. DIETZ. The food has been complained of a good deal. There were times that the students, no matter how hungry they were, could not eat the food that was placed before them. It was badly cooked, and it was rather short.

Representative CARTER. Do you go to the childrens' dining room at any time? The pupils' dining room?

Mrs. DIETZ. No, I have not been there very much.

Representative CARTER. You do not know then specifically what food they have to eat?

Mrs. DIETZ. No.

Representative CARTER. What can you tell us about boys drinking?

Mrs. DIETZ. The boys have told me they can get whisky any time they want it. I asked them where they get it, and they say they get it in town from negroes.

Representative CARTER. Has there been attempt, so far as you know to prosecute these boot-leggers, these negroes, who furnish whisky to the boys?

Mrs. DIETZ. I do not think they have done that.

Representative CARTER. But a great many of the boys have been placed in the city jail for getting drunk, haven't they?

Mrs. DIETZ. I think they have, two cases that I know of. Twice, I think.

Representative CARTER. Mrs. Dietz, what is the attitude of the children toward Mr. Friedman?

Mrs. DIETZ. Why, they have no respect for him at all.

Representative CARTER. What do you attribute that to, Mrs. Dietz?

Mrs. DIETZ. I think it is just his personal bearing toward the students.

Representative CARTER. Do you think he has any interest much in the children?

Mrs. DIETZ. It does not seem to me that he has. He has not led them as head of the school.

Representative CARTER. Do you think he is very much interested in or has any respect for an Indian?

Mrs. DIETZ. I do not think so.

Representative CARTER. Is there anything more you wanted to say?

Mrs. DIETZ. No, sir.

TESTIMONY OF LOUIS SCHWIEGMAN, FORMER STUDENT.

The witness was duly sworn by the chairman.

The CHAIRMAN. Were you a student formerly at the Carlisle school?

Mr. SCHWIEGMAN. Yes, sir.

The CHAIRMAN. For how long?

Mr. SCHWIEGMAN. Three years.

The CHAIRMAN. Were you dismissed from the school?

Mr. SCHWIEGMAN. Yes, sir.

The CHAIRMAN. For what were you dismissed?

Mr. SCHWIEGMAN. I can not tell you exactly why I was expelled.

The CHAIRMAN. Tell me what you know about it.

Mr. SCHWIEGMAN. Well, sir, I attended school here three years. Then last summer I went home, and in the fall I brought some students back here with me, and Mr. Friedman wrote me and said I should bring some students with me, and he would pay my fare here and home again, providing I brought 12 students. So while I was home last summer I got 14 of them, but of course they were turned down, with the exception of 6, so I brought them along with me. Besides, I intended to take up sign painting this year while I am back here. Of course, the rest of the three years I was here I went to school half a day and worked at the trade the other half day. I had to quit school last spring on account of my eyes. They had released me from school, so I did not intend to go to school, but I came back with the intention of taking up sign painting, but after I came back the painters were very busy, and I could not take it up right away, Mr. Friedman told me.

So I was detailed over to the school building, and I told Mr. Friedman about this trade I wanted to take up, and he did not seem to look into it right away. So I stayed over at the school building, and

worked over there for Mr. Whitwell. Finally, here just lately, he knew I was working down there, and he said I should be up to the shop working at my trade, so then he sent me up there, and I stayed up there for about three weeks. I was taking up the trade as a sign painter.

One day I was called up to the office, and he told me then I had to leave the grounds. He said he did not want me around here, that I was loafing; he said I was just simply wasting my time here.

The CHAIRMAN. So you were discharged?

Mr. SCHWIEGMAN. Yes, sir. He never even gave me any warning beforehand.

The CHAIRMAN. Have you seen Mr. McKean since you came back here to testify before the commission?

Mr. SCHWIEGMAN. Yes; I saw him.

The CHAIRMAN. Did he give you notice of the fact that the superintendent had ordered you from the grounds.

Mr. SCHWIEGMAN. He did not, but the assistant disciplinarian told me this morning.

The CHAIRMAN. Did you tell him that you wanted to appear before the joint commission?

Mr. SCHWIEGMAN. Yes, sir; I told him I would like to be here this morning, as I saw Mr. Linnen yesterday morning.

Representative STEPHENS. Who ordered you off the grounds?

Mr. SCHWIEGMAN. Mr. Friedman.

The CHAIRMAN. Just put this letter in the record.

(The letter referred to is as follows:)

FEBRUARY 6, 1914.

Mr. McKEAN: It has been reported to me that Louis Schwiegman, a boy that was not permitted to remain at the school as being undesirable, was on the campus last evening and slept in the quarters, leaving early this morning. This is decidedly against the best interests of discipline here, and its repetition should not be permitted.

Very respectfully,

M. FRIEDMAN,
Superintendent.

Representative STEPHENS. Did some of his employees order you off the grounds yesterday or to-day?

Mr. SCHWIEGMAN. No; that was the first time. The letter was read to me this morning.

The CHAIRMAN. Have you been disturbed in your position by any representative of the school here—where are you working now?

Mr. SCHWIEGMAN. At Grayson, just above Carlisle here 6 miles.

The CHAIRMAN. Have you been disturbed any way? Did anybody try to get you fired?

Mr. SCHWIEGMAN. No one has so far.

TESTIMONY OF MRS. LYDIA E. KAUP, NORMAL TEACHER.

The witness was duly sworn by the chairman.

The CHAIRMAN. In what capacity are you employed at Carlisle, Mrs. Kaup?

Mrs. KAUP. Normal teacher.

The CHAIRMAN. How long have you been working in that capacity?

Mrs. KAUP. As normal teacher, I think, 4 or 5 years. I am not quite sure. I think this is my fifth term, or fourth, but I was a teacher in the grades before.

The CHAIRMAN. What are the relations between Superintendent Friedman and the pupils in the school?

Mrs. KAUP. Well, I do not know so much about that, but I am afraid they are not very good.

The CHAIRMAN. Do you know how he is looked upon by the employees in the school?

Mrs. KAUP. By some, I suppose, all right; and by some he is not.

The CHAIRMAN. Would you say that the relations between the superintendent and the employees generally speaking are amicable or otherwise?

Mr. KAUP. Otherwise.

The CHAIRMAN. What is that due to?

Mrs. KAUP. I think to his insolence to us.

The CHAIRMAN. Is he disagreeable at times?

Mrs. KAUP. Yes.

The CHAIRMAN. How many pupils have you in your department?

Mrs. KAUP. I have, since last September, enrolled 141; but some went to the country, some ran away, and I promoted a few, and I have now 115, I think.

The CHAIRMAN. What progress is being made in the normal department? If it is not satisfactory, tell me briefly why you think it is not so.

Mrs. KAUP. Why, the crowd is too big. I have too many. The pupils that come to my department are the beginners. Some are adults; and this year they brought in quite a number of small ones, and they are just a class of pupils without any individual attention, and the crowd is too large. I have six girls that are pupil teachers, and I am supposed to train those, and they are to have classes. The understanding is that each pupil teacher shall have about six, and then I am to oversee and give them training. There was a time when there was an assistant, but that was abolished before I took the position.

It so happens that the number is so big that I have 53 pupils of my own that I teach, and they are of three different grades. That makes the work harder, too. I have five grades, so that makes a great deal of planning. I have 53 of my own, and then I am obliged to give the pupil teachers my pupils, those they ought to have. Two of my most advanced pupils, those I have had two years—one is 16 and the other is 13. They need so much individual attention that I am not able to give the pupil teachers the same attention that I ought to give. I have what I call observation lessons. I keep the whole school in the room, and I give a drill lesson for the pupil teachers to observe. They must be present. Then what little time I have I oversee the work, and I try to keep in touch with it. For example, when I have third-grade pupils, I have to give to two of the pupil teachers third pupils. Then I keep in touch with that. I consult with them and explain to them how to handle the lesson. If I think it is something special, I call the pupils out and give the drill in my room, and then I require them to hand in a program every day.

When they are excused the girls have so little time. There was a time when the normal teacher was allowed a half hour each session to consult with her pupil teachers on methods, but when the whistle blows the girls must go. Once in a while I just keep them a little and give them some extra training. I get my class started, and take the pupil teachers, and give them instructions. But I can not look after

them, because I have too many of my own. I can not look after them as I would like to. The worst is the scholars are getting rid of the attention they ought to have. There are too many that need individual attention. Some of them when they come can not understand a word of English, and they especially need attention.

The CHAIRMAN. How does the discipline now prevailing compare with what it formerly was?

Mrs. KAUP. It is very good to what it was.

The CHAIRMAN. When did it begin to improve?

Mrs. KAUP. Since last September, about.

The CHAIRMAN. It is very much better now than it was up to last September?

Mrs. KAUP. Yes.

The CHAIRMAN. What is the cause of that improvement; do you know?

Mrs. KAUP. No; I could not tell, unless they have made stricter rules.

The CHAIRMAN. How does the discipline compare under Mr. Friedman's administration with that of other administrations you have known here?

Mrs. KAUP. I came here just shortly before Mr. Friedman came. Well, I think it was—I know it was better before.

TESTIMONY OF WILLIAM H. MILLER, FINANCIAL CLERK.

The witness was duly sworn by the chairman.

The CHAIRMAN. What employment have you now, Mr. Miller?

Mr. MILLER. My official position is that of financial clerk.

The CHAIRMAN. At the Carlisle School?

Mr. MILLER. Yes, sir.

The CHAIRMAN. As such clerk do you keep the records of the athletic association?

Mr. MILLER. I do.

The CHAIRMAN. What is that association? Is it a corporation?

Mr. MILLER. Yes, sir; it is a corporation, consisting of the employees and the pupils who are entitled to wear the "C."

The CHAIRMAN. How many are there?

Mr. MILLER. I do not know. I do not know what the requirements are.

The CHAIRMAN. Do you know any pupils who are members of the corporation?

Mr. MILLER. Practically all the players, I think, are.

The CHAIRMAN. Who are the officers of the corporation?

Mr. MILLER. The officers are Mr. Warner, president; myself, as secretary and treasurer; we two together with Mr. Friedman compose the executive committee.

The CHAIRMAN. The athletic association is kept separate and apart from the school, I believe, in a way?

Mr. MILLER. Yes, sir; that is, the accounts.

The CHAIRMAN. That is what I mean.

Mr. MILLER. Yes, sir.

The CHAIRMAN. How are the accounts kept and what records do you keep?

Mr. MILLER. I keep them in regular ledger form. This is the ledger.

The CHAIRMAN. How long have you been keeping this account?

Mr. MILLER. Since February 9, 1907.

The CHAIRMAN. You do all the work on the books yourself?

Mr. MILLER. Yes, sir.

The CHAIRMAN. You have made all the entries in the ledger since that time?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Just explain briefly how you keep the accounts of receipts and expenditures.

Mr. MILLER (indicating). Credits are taken up in this column, the gains on the righthand side here; and the expenditures are written in here on the lefthand side, all by check. There is nothing paid out except by check. Those are the check numbers, and this is the payee's name that appears here.

The CHAIRMAN. And the checks are your vouchers?

Mr. MILLER. Yes, sir.

The CHAIRMAN. You use them as receipts, of course?

Mr. MILLER. Yes, sir. In most cases we have receipted bills in addition to the checks.

The CHAIRMAN. You take itemized accounts?

Mr. MILLER. Yes, sir.

The CHAIRMAN. So as to show what enters into the expenditure as indicated by the check?

Mr. MILLER. That is it.

The CHAIRMAN. Where do you keep your account? In a bank?

Mr. MILLER. In the Farmers Trust Company, Carlisle.

The CHAIRMAN. What are the sources of income to this fund? How is the fund obtained?

Mr. MILLER. The main source is the proceeds derived from the games—football games, and lacrosse and basketball.

The CHAIRMAN. How do your annual accounts run? From what dates? Do you run by the calendar or by the school year?

Mr. MILLER. Neither. It all just runs right along.

The CHAIRMAN. When do you strike a balance?

Mr. MILLER. At the end of each month I strike a balance, and the balance is certified to by an auditor. Well, the committee is composed of Mr. Ray, Mr. Warner, and Mr. Friedman, but recently it has dwindled down to Mr. Ray, an attorney of Carlisle, who audits my accounts monthly and certifies the fact on my ledger.

The CHAIRMAN. Does Mr. Ray render any other services as attorney other than services as auditor?

Mr. MILLER. He did during the incorporation.

The CHAIRMAN. I mean since the association was organized.

Mr. MILLER. No, sir.

The CHAIRMAN. What is he paid?

Mr. MILLER. \$100 a year.

The CHAIRMAN. Quarterly?

Mr. MILLER. \$25 quarterly.

The CHAIRMAN. What does he do? What does his work consist of?

Mr. MILLER. Simply verifying my accounts.

The CHAIRMAN. I know, but how does he verify them?

Mr. MILLER. He takes the statements we get from the games, verifies the receipts and other moneys that are taken up. There are other minor entries, such as trunks that are purchased from this fund and kept in the storehouse and sold. That money comes back. And at one time umbrellas for the pupils were handled that way. He verifies all the receipts and takes the cancelled checks and checks them off, and obtains the outstanding checks each month and compares my balance with the bank balance.

The CHAIRMAN. He does that every month?

Mr. MILLER. He does that each month.

The CHAIRMAN. What day of the month does he usually do that?

Mr. MILLER. As soon as I have the accounts ready for him, usually within two or three days after the close of the month.

The CHAIRMAN. How long does it require him to do it?

Mr. MILLER. I should say not more than an hour.

The CHAIRMAN. He comes out to your office, or do you take your books to him?

Mr. MILLER. He comes here.

The CHAIRMAN. What was the total income from the games—football, basketball, and other sports—chargeable to the athletic fund for the year 1913? Can you tell me that?

Mr. MILLER. Not exactly. I could approximately.

The CHAIRMAN. The book would show?

Mr. MILLER. The book will show, certainly; yes, sir.

The CHAIRMAN. What do you think it would amount to?

Mr. MILLER. I should say between \$20,000 and \$25,000.

The CHAIRMAN. For the year 1913?

Mr. MILLER. Yes, sir.

The Chairman. What charges are paid out of this fund? How are the expenditures governed? Who regulates what shall be paid out of it?

Mr. MILLER. Anything except transportation charges or anything that Mr. Warner looks after—the others usually come to the superintendent, who passes on them, and I write the check, and Mr. Warner signing it, that gives the approval of all three members of the executive committee.

The CHAIRMAN. Do you yourself sign checks?

Mr. MILLER. Yes, sir; as treasurer, and Mr. Warner as president.

The CHAIRMAN. He countersigns them as president?

Mr. MILLER. We both sign them; yes, sir.

The CHAIRMAN. The superintendent O. K.'s the accounts or bills?

Mr. MILLER. Yes, sir.

The CHAIRMAN. And you draw the checks, and the coach—what is his official position?

Mr. MILLER. He is the coach, the athletic director.

The CHAIRMAN. The athletic director countersigns the checks. How have the expenditures been running with reference to the income of the fund? They have a balance each year?

Mr. MILLER. Oh, yes; they have had a balance each year, excepting one year I recall we ran short when there was a thousand dollars advanced by Mr. Warner and Mr. Friedman. Just now there is a surplus of \$25,000.

The CHAIRMAN. You have produced here and presented to the commission what appears to be stub check books, numbered from

1 to 7, inclusive. These books appear to be the stubs of the checks you have drawn—

Mr. MILLER. Drawn since the date I have given.

The CHAIRMAN. Since you first became treasurer?

Mr. MILLER. Well, I was treasurer of this fund before this date, but it was not kept in this way. The funds were kept in another—

The CHAIRMAN. From what date is this?

Mr. MILLER. This date is from 1907, February 9.

The CHAIRMAN. So that for every expenditure you have made you have the checks paid and also the stub of the check?

Mr. MILLER. Yes, sir.

The CHAIRMAN. And in many instances you itemized statements of account?

Mr. MILLER. Yes, sir.

The CHAIRMAN. So that you can tell what payments were made for any month, to whom they were made, and for what?

Mr. MILLER. In every instance; yes, sir.

The CHAIRMAN. Running over some of these accounts, I want to ask you about some of the expenditures. Who is Mr. Hugh Miller?

Mr. MILLER. He is an attorney in Carlisle whose main work is that of newspaper reporting.

The CHAIRMAN. I see here under date of January, 1908, a check, No. 552, "Camera, \$140.68, for Mr. Miller." Was that a moving picture camera?

Mr. MILLER. No, sir. It was a camera that was purchased for him to take pictures of games. It was a large box camera.

The CHAIRMAN. Then under the same date, January, 1908, check No. 578—

Representative CARTER. Where is that camera now?

Mr. MILLER. In his possession. He always has had it.

Representative CARTER. Is he a member of the association?

Mr. MILLER. He is not. He is a newspaper man.

The CHAIRMAN. I see also a check, No. 578, to Hugh Miller, \$100, and No. 579—

Mr. MILLER. No. 578 is Shoemaker, isn't it?

The CHAIRMAN. Well, 580 was to whom?

Mr. MILLER. To Wallace Denny.

The CHAIRMAN. No. 578 was to Hugh Miller?

Mr. MILLER. Oh; to Dr. Shoemaker for additional services.

The CHAIRMAN. Who is Mr. G. M. Diffenderfer?

Mr. MILLER. I would like to explain in regard to that \$100 in favor of myself, if there is any exception to it.

The CHAIRMAN. I do not know that there is any exception to it. While attention has been called to it, we have not raised any question about it.

Mr. MILLER. That came about this way: During Gen. Pratt's time he came in the office one day and told me he was going to pay me \$100 additional salary for athletic services. I had practically written the history of the Carlisle School in a card system. If you wanted to find a pupil's record you had to refer to probably 100 different places throughout the book. I decided to put in a card system and arrange the cards by tribes for pupils no longer connected with the school, and those that were I arranged alphabetically. The old general appreciated that very much, and he gave me \$100 additional that year.

The next year, rather than have me fall down, he paid it again. In both cases it was paid from the charity fund, or emergency fund, and thereafter each year I received that amount until those funds were abolished, and then from this fund. It was always considered a part of the salary.

The CHAIRMAN. Why was it paid out of the athletic funds?

Mr. MILLER. Because those other funds had gone out of existence.

The CHAIRMAN. The athletic fund, as a matter of fact, is a kind of—

Mr. MILLER. A cure for all diseases.

The CHAIRMAN. A good many things are paid out of the athletic fund that have no relation to athletics?

Mr. MILLER. Yes.

The CHAIRMAN. In that connection, what other items do you know of that are payable out of the athletic fund that are not directly connected with athletics? Do you pay any employees who are also receiving Government salaries?

Mr. MILLER. Yes; that item just above these to Dr. Shoemaker. That was for his services in accompanying the teams, as I understood it.

The CHAIRMAN. If he accompanied the teams on their expeditions, that might be considered directly connected with the athletic work. Do you pay Mrs. E. H. Foster?

Mr. MILLER. Recently? Yes, sir.

The CHAIRMAN. How much does she receive?

Mr. MILLER. She gets \$15 per month for looking after the Y. W. C. A. work. I do not know her salary. She is a teacher.

The CHAIRMAN. Mr. R. L. Mann is another, I believe, who is a teacher, and he receives \$15 a month?

Mr. MILLER. Yes, sir, he was paid up until last fall.

The CHAIRMAN. Has that been discontinued?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Why?

Mr. MILLER. I believe he was relieved from the work. He had charge of the Y. M. C. A. work.

The CHAIRMAN. You receive a salary as financial clerk, and in addition to that you receive from the athletic fund \$35 a month for keeping these accounts?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Mr. Dietz receives a salary, too, as Indian art assistant, and gets a salary as assistant coach, does he not?

Mr. MILLER. Yes, sir; he does.

The CHAIRMAN. How much does he get as assistant coach?

Mr. MILLER. I really do not know the amount, unless you have made a note of it there.

Inspector LINNEN. About \$500 each year.

Mr. MILLER. I think that is it.

The CHAIRMAN. I asked you a moment ago about the item for Mr. Diffenderfer. January 8 he appears to have received \$20 salary. What is that for?

Mr. MILLER. At that time he had charge of the afternoon services in the chapel.

The CHAIRMAN. Is he a minister?

Mr. MILLER. He was a Lutheran minister in town.

The CHAIRMAN. What salary was paid him?

Mr. MILLER. He got \$5 for each service—\$5 a Sunday. Since that time it has been divided up among all the ministers of the town, and they get \$5 per service.

The CHAIRMAN. How many ministers have been paid for that service?

Mr. MILLER. I believe all of them. All the ministers in town take their turn at taking charge.

The CHAIRMAN. Why is that?

Mr. MILLER. I could not say, sir.

The CHAIRMAN. You have nothing to do with that? Who makes that arrangement?

Mr. MILLER. The superintendent.

The CHAIRMAN. An arrangement is made, then, that every minister in town gets an afternoon in his turn, for which he receives \$5 for his services?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Who did you say Hugh Miller is? Is he related to you?

Mr. MILLER. He is not related to me.

The CHAIRMAN. He is in the newspaper business?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Is he on a local newspaper?

Mr. MILLER. I think not.

The CHAIRMAN. Is he a correspondent for papers?

Mr. MILLER. Yes, sir.

The CHAIRMAN. He appears to have received generally \$200 a year during the last two or three years for services. What kind of services does he render?

Mr. MILLER. Nothing more than sending out reports about the games.

The CHAIRMAN. Look at the check No. 1183, January 2, 1909. It appears he received \$50 at that time. What was that for?

Mr. MILLER. I do not recall that item. Here is my record. I did not know at that time, and I do not know yet.

The CHAIRMAN. I see you have an interrogation mark there on that stub under date of January 2, 1909. What does that mean?

Mr. MILLER. I do not know what it was for.

The CHAIRMAN. You were not furnished information at the time as to what it was for, and you made that memorandum?

Mr. MILLER. Yes, sir.

The CHAIRMAN. You do not know what it was for?

Mr. MILLER. No, sir.

The CHAIRMAN. By check No. 2112, under date of September 19, 1910, it appears that Hugh Miller received \$100 for advertising.

Mr. MILLER. It is probably for the same purpose.

The CHAIRMAN. You mean for sending out news?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Now, by check No. 2231, October 31, 1910—

Mr. MILLER. On No. 2112 the stub is marked, "Advance on account of advertising."

The CHAIRMAN. What other advertising did the team do?

Mr. MILLER. Now, there were several games that he advertised and got a percentage from the game. I do not recall that this was just

one of those occasions or not. It probably was, on account of being marked here "account of advertising."

The CHAIRMAN. Do you know what he did?

Mr. MILLER. He passed bills about town and had placards printed, etc.

The CHAIRMAN. Now, turn to check No. 2231, October 31, 1910. The total of that check was \$1,509.22.

Mr. MILLER. That is in my favor. I had charge of a game that was played at Wilkes-Barre, and this is reimbursement for my expenses there. In other words, that is the total expenses that I paid out, and this is reimbursing me.

The CHAIRMAN. Mr. Miller did not get any of that?

Mr. MILLER. No, sir; I personally received nothing.

Inspector LINNEN. Your bills show that Mr. Miller got \$300 of that.

The CHAIRMAN. You have an itemized bill of that expenditure, and you say now that Mr. Miller received \$300?

Mr. MILLER. Yes, sir. I recall that now.

The CHAIRMAN. Now, by check No. 2215, under date of October 29, 1910, I find another item of \$295.65. What is that for?

Mr. MILLER. I believe that is the balance on the same account, settlement in full.

The CHAIRMAN. Was that for one game?

Mr. MILLER. I believe it was, to the best of my recollection.

The CHAIRMAN. Now, by check No. 2812, 1-6-1912, I find another item of \$150 to Hugh R. Miller for services.

Mr. MILLER. That was not in connection with any special game. It was the amount paid him for the season's work. The check following it—

The CHAIRMAN. What work did he do during the season? That is what I want.

Mr. MILLER. I think that was simply newspaper work, without anything special.

The CHAIRMAN. What kind of work? Can you inform us about what he is expected to do?

Mr. MILLER. I do not know what he was requested to do, if that is what you mean. All I know that he did was to send out matter for the papers that he represents.

The CHAIRMAN. That was published as news, was it not, as a matter of fact?

Mr. MILLER. Yes.

The CHAIRMAN. What association did he represent? Does he represent the Associated Press? Does he represent the Scripps-McRae?

Mr. MILLER. I do not know. I was informed that he corresponded with probably as many as 200 papers, but whether that is true or not I could not say.

The CHAIRMAN. The probability is that he would represent an association of newspapers, and what I am trying to find out is what association it is.

Mr. MILLER. I do not know.

The CHAIRMAN. Who is Mr. J. L. Martin?

Mr. MILLER. That was his assistant at that time.

The CHAIRMAN. I find by check No. 2813 under the same date as the last check mentioned to Mr. Miller, Mr. Martin was paid \$150. What was that for?

Mr. MILLER. That was the same class of work, he being Mr. Miller's assistant.

The CHAIRMAN. By check No. 3174, dated December 3, 1912, it appears that Mr. Miller received \$150 as correspondent. Is that the same kind of work?

Mr. MILLER. The same thing.

The CHAIRMAN. And under the same date, by check No. 3175 you paid Mr. J. L. Martin, as correspondent, \$150.

Mr. MILLER. The same thing.

The CHAIRMAN. Do you know anything about how those accounts, the correctness of those accounts, is arrived at? How are the amounts determined?

Mr. MILLER. I do not know.

The CHAIRMAN. Do you know whether he is on a salary—who o.k.'s these accounts?

Mr. MILLER. The superintendent o.k.'s them.

The CHAIRMAN. Now, by check No. 3571 under date of November 2, 1913, there is an item of \$200 to Hugh R. Miller, of which \$100 went to Mr. Miller and \$100 to Mr. Martin.

Mr. MILLER. That is the same thing.

The CHAIRMAN. Then by check No. 3578, 12-2-13, there appears to have been another check issued to the same Mr. Miller for \$100.

Mr. MILLER. That was the same thing. The \$200 and the \$100 taken together made the \$300 for that year.

The CHAIRMAN. Now, let us look at some items of this account that relate to Mr. Friedman, the superintendent. Check No. 1181, under date of January 20, 1909, appears to have been issued to Mr. Friedman for expenses to Washington, in the sum of \$70.90. On what theory were the expenses of the superintendent paid to Washington paid out of the athletic fund?

Mr. MILLER. It was paid at his request, he submitting a bill for that amount.

The CHAIRMAN. What I am trying to find out is why he required you to pay that out of the athletic fund. What was he doing in Washington for the athletic association? What was his rule about that, if you know whether he had a rule, Mr. Miller? Maybe you can explain the whole thing by a general statement. I see here a great many items of expense for Mr. Friedman to Washington charged to the athletic fund and paid out of it. Now, if you can make a general statement as to the theory upon which that was done, I would be glad.

Mr. MILLER. I could not tell that.

The CHAIRMAN. You do not undertake to pass on that?

Mr. MILLER. No, sir; he submitted the statements and I wrote the check.

The CHAIRMAN. Without question?

Mr. MILLER. Without question, and Mr. Warner signed them.

Representative STEPHENS. Who O. K'd the statements?

Mr. MILLER. Mr. Friedman. I attach a little slip to the bills, requesting authority to pay them, and he signs those slips. I have

those slips in all cases on those bills, which are kept on a Shannon file in numerical order.

The CHAIRMAN. Further than that you were not charged with the duty of auditing his accounts?

Mr. MILLER. Oh, no.

The CHAIRMAN. He audited his own accounts?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Now, I find check No. 1534, under date of September 4, 1909, expenses to Washington, \$16.

Mr. MILLER. That is marked, "Expenses to Washington, \$16."

The CHAIRMAN. I am going to call your attention to a large number of items of the same character, and you may verify them all at once. Check No. 1633, October 28, 1909, expenses to Washington, \$87. That is correct, is it?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Then, check No. 1806, January 29, 1910, expenses to Washington, \$27.

Mr. MILLER. Right.

The CHAIRMAN. Check No. 2001, May 24, 1910, expenses to Hampton, \$16.

Mr. MILLER. Hampton and Tuskegee Institute, \$16. Right.

The CHAIRMAN. Check No. 2016, January 28, 1910, expenses to Philadelphia, Pa., \$17.

Mr. MILLER. Right.

The CHAIRMAN. Mileage books, \$40.

Mr. MILLER. What date is that?

The CHAIRMAN. It appears here.

Mr. MILLER. That is for \$17. That is right. At the close of each month I pay the bill to the Cumberland Valley Railroad Co., and the mileage books are included in that.

The CHAIRMAN. Do you know what amount of mileage books you bought for Mr. Friedman?

Mr. MILLER. Not exactly. There are eight.

Inspector LINNEN. There are a lot more besides those.

The CHAIRMAN. Just give the dates.

Mr. MILLER. March 3, 1910, one book, \$20; July 15, 1910, one book, \$20; October 23, 1911, one book, \$20; July 31, 1911, one book; September 11, 1912, one book; September 21, 1912, one book; June 25, 1913, one book; November 14, 1913, one book.

The CHAIRMAN. A memorandum furnished me here is a receipt under date of February 19, 1910, "To one mileage book, No. 125135, to Superintendent Friedman, \$20." That is correct, is it?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Now, I also hold in my hand a receipt under date of July 31, 1911, "one mileage ticket (Mr. Friedman), \$20; Cumberland Valley Railroad." Is that correct too?

Mr. MILLER. That is one we just mentioned. That is correct.

The CHAIRMAN. I also hold a receipt under date of October 23, 1911, "mileage ticket for Mr. Friedman, \$20." That has also been mentioned and is correct?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Under date of September 11, 1912, "one mileage ticket, Mr. Friedman, \$20; Cumberland Valley Railroad." That, too, has been mentioned, I believe, and is correct?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Under date of June 25, 1913, "mileage ticket for Mr. Friedman, \$20." That is correct, is it?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Under date of November 14, 1913, "mileage ticket for Mr. Friedman." with others in the same receipt, \$20. That is correct, is it?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Have you assisted and cooperated with Inspector Linnen in checking up these mileage accounts charged to the athletic association on account of Mr. Friedman?

Mr. MILLER. Yes, sir.

The CHAIRMAN. You have also assisted him, I believe, in checking up his accounts of expenses and expenditures as superintendent of the school, have you not?

Mr. MILLER. Government vouchers?

The CHAIRMAN. Yes.

Mr. MILLER. Yes, sir.

The CHAIRMAN. Have you also gone through the accounts in the office of the auditor of the Cumberland Valley Railroad and checked the items there with reference to trips made by Mr. Friedman to ascertain what mileage was in fact used in connection with his accounts as superintendent and special disbursing agent?

Mr. MILLER. Yes, sir. Both the Cumberland Valley and the Pennsylvania.

The CHAIRMAN. Is it true or not that your investigation as stated disclosed that Mr. Friedman was furnished with these mileage books and used them on these trips to Washington, and at the same time charged the expenses as railroad fare in his accounts as superintendent against the Government?

Mr. MILLER. Some of them.

The CHAIRMAN. Which ones?

Mr. MILLER. Mileage books Nos. 125135, 125300—

The CHAIRMAN. Now, will you mark them? There are only three—

Mr. MILLER (continuing). And 923319, I believe—

The CHAIRMAN. Let us make sure of that.

Mr. MILLER. I have made a memorandum now, and can give it to you: 125135, 125300, 923319.

The CHAIRMAN. Just take your memorandum there and state what you checked with reference to those mileage books and what the books in the office of the auditor of the Cumberland Valley Railroad and the Pennsylvania Railroad disclosed with reference to those charges.

Mr. MILLER. Book No. 125300 was used on Cumberland Valley train 13, March 5, 1910, Harrisburg.

Allow me to start again: Book No. 125135, used on train No. 4, March 3, 1910, Conductor McCleary, Carlisle to Harrisburg, 38 miles, two passengers.

Book No. 125300, used on train No. 13, March 5, 1910, Harrisburg to Carlisle, 38 miles, lifted, two passengers, Conductor Snodgrass.

Book No. 125300, train No. 4, March 17, 1910, Carlisle to Harrisburg, Conductor Lynn, 19 miles, lifted, one passenger.

Book No. 125300, train No. 11, March 18, 1910, Harrisburg to Carlisle, number of passengers 1, mileage 19, Conductor Wetzel.

Mileage book 923319, train No. 8, October 23, 1911, Carlisle to Harrisburg, two passengers, mileage 38, Conductor Lynn.

Over the Pennsylvania Railroad I found the following, upon checking the auditor's accounts: Mileage book 125135, March 3, 1910, train No. 64, Conductor W. D. Schubert, Harrisburg to Philadelphia, two passengers, 196 miles; beginning 805, ending 1,000.

Book No. 125300, same date, train, conductor, and peints, 12 miles; beginning 1, ending 12.

Book No. 125300, March 3, 1910, train No. 124, Conductor C. W. Parks, Philadelphia to New York, two passengers, number of miles 180; beginning 13, ending 192.

Book 125300, March 5, 1910, train No. 7; A. L. Priser, conductor; between New York and Philadelphia, two passengers, 180 miles; mileage beginning 193, ending 372.

Same book, 125300, March 25, 1910, train 27, Conductor H. W. Harding, Philadelphia to Harrisburg, two passengers, number of miles 208; beginning 373, ending 580.

Same book, 125300, March 17, 1910, train No. 20, Conductor A. B. Wherley, Harrisburg to Baltimore, one passenger, 84 miles; mileage, 638,721.

Same book, 125300, March 17, 1910, train 321, Conductor C. T. Sparks, Harrisburg to Washington, one passenger, 40 miles; mileage 722 to 761.

Same book, 125300, March 18, 1910, train 320, Conductor J. W. Smith, Washington to Baltimore, one passenger, 40 miles; 762 to 801.

Same book, 125300, March 18, 1910, train 21, Conductor J. H. Millstead, Baltimore to Harrisburg, one passenger, 84 miles; 802 to 885.

Mileage book 923319, October 23, 1911, train No. 8, Conductor J. B. Hunt, Harrisburg to Baltimore, two passengers, 168 miles; beginning 38, ending 206.

Same book, 923319, October 23, 1911, train No. 11, Conductor B. F. Dennis, Baltimore to Washington, two passengers, 80 miles; mileage 120 to 206.

The CHAIRMAN. Then it appears from the records in the office of the auditors of these two railroads and the authenticated copies of the accounts of Mr. Friedman as superintendent and special disbursing agent of the Indian Industrial School, that on these occasions and trains, while the mileage books which are paid for out of the athletic fund were actually used, he also charged the Government in his expense account for his railroad fare?

Mr. MILLER. Yes, sir.

The CHAIRMAN. I have a memorandum in my hand showing other expense items paid to Mr. Friedman from the athletic fund, which I am informed you have checked on your books. Check No. 2615, July 11, 1911, expenses to New York, \$22. Is that correct?

Mr. MILLER. Right.

The CHAIRMAN. Check No. 2622, July 28, same year, expenses to Washington, \$17.

Mr. MILLER. Right.

The CHAIRMAN. Check No. 2747, November 20, 1911, expenses to Philadelphia, Pa., \$55.

Mr. MILLER. Right.

The CHAIRMAN. Check No. 2800, July 26, 1911, expenses to Boston, \$48.

Mr. MILLER. Right.

The CHAIRMAN. Check No. 2848, January 27, 1912, expenses to Washington, \$42.20.

Mr. MILLER. Right.

The CHAIRMAN. Check No. 3138, November 14, 1912, expenses to Washington, \$75.65.

Mr. MILLER. Right.

The CHAIRMAN. Check No. 2929, April 9, 1912, expenses, \$58.60. What was that for?

Mr. MILLER. My memorandum is marked "expenses."

The CHAIRMAN. Do you know whom it was paid to?

Mr. MILLER. To Mr. Friedman.

The CHAIRMAN. Do you know what it is for? Have you an itemized statement of that?

Mr. MILLER. I may have; I have not here.

The CHAIRMAN. When you go back to the office, will you take a little time and look for that?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Check No. 3138, November 14, 1912, expenses to Washington, \$75.65. That is correct, is it?

Mr. MILLER. Correct.

The CHAIRMAN. Check No. 3139, November 15, 1912, expenses to Philadelphia, Pa., \$69.20.

Mr. MILLER. Not paid to Mr. Friedman direct, but to Bellevue-Stratford Hotel.

The CHAIRMAN. Was there an item in there of \$10 for theater?

Mr. MILLER. Yes, sir.

The CHAIRMAN. I notice another memorandum there, additional expenses to Philadelphia, Pa., \$22, in the same account.

Mr. MILLER. That is right.

The CHAIRMAN. Check No. 3508, October 4, 1913, hotel bill at Philadelphia, Friedman, \$54.05.

Mr. MILLER. Right.

The CHAIRMAN. The face of those checks would not show the actual dates he was in Washington?

Mr. MILLER. The bill shows.

The CHAIRMAN. Turn to check No. 3311, April 9, 1913, \$102.70. What was that for?

Mr. MILLER. That check book is in my office.

The CHAIRMAN. Look at the memorandum there and see if you can tell.

Mr. MILLER. That was for entertaining guests during commencement.

The CHAIRMAN. By whom?

Mr. MILLER. By Mr. Friedman.

The CHAIRMAN. Was there an itemized statement of that presented?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Will you furnish that?

Mr. MILLER. Yes, sir.

The CHAIRMAN. I find five checks as follows: No. 1499—maybe you can just tell from this—No. 1499, August 31, 1909, \$90. No. 1533, September 2, 1909, \$60. No. 3025, August 10, 1910, \$60. No. 3028, August 10, 1912, \$60. No. 3188, December 9, 1912, \$7.20.

What were all those checks issued for?

Mr. MILLER. For the purpose of insurance on the buildings.

The CHAIRMAN. What buildings?

Mr. MILLER. The athletic buildings.

The CHAIRMAN. The Government does not carry any insurance on the buildings, I believe?

Mr. MILLER. I could not say.

The CHAIRMAN. Would it not be paid for through you?

Mr. MILLER. Mr. Warner keeps the accounts.

The CHAIRMAN. That is on the athletic buildings?

Mr. MILLER. Yes, sir; I think it is all on the athletic buildings.

The CHAIRMAN. I find a number of items of \$2 for the arrest of each Indian boy or pupil found in Carlisle without a pass, paid to the chief of police John L. Boyer, who appears to have received various checks aggregating quite an amount for such arrests. Is there an arrangement whereby the athletic fund is required to pay \$2 for every boy arrested?

Mr. MILLER. Yes, sir; when the boys have no money in the bank.

The CHAIRMAN. Do you know upon what theory that is done?

Mr. MILLER. To prevent the boys going into town without a permit.

The CHAIRMAN. Why should all that be charged to the athletic fund, if you know of any reason?

Mr. MILLER. I think I do. The police would not be interested in detaining the boy if they received \$2 sometimes and not on every occasion. When a boy has no money in the bank the police would be out the cost of the arrest; so the athletic association is called upon to pay it when the boys have no money in the bank.

The CHAIRMAN. How is the amount of \$2 arrived at as proper?

Mr. MILLER. I could not say.

The CHAIRMAN. As a matter of fact they do not get anything like that when they arrest on a warrant, do they? I do not know what the statutes of Pennsylvania are, but in many of the States with whose statutes I am familiar the fees of sheriffs for making an arrest would not be anything like that. Anyway, that is just an arbitrary arrangement that the superintendent has effected with the chief of police, and is designed to keep the boys in and prevent them from stealing away?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Have loans or advances been made to boys on the football teams at various times?

Mr. MILLER. Yes, sir.

The CHAIRMAN. \$200 appears to have been advanced to Albert Exendine.

Mr. MILLER. Yes, sir.

The CHAIRMAN. And \$300 to Louis Tewanana, and also \$50?

Mr. MILLER. Yes, sir.

The CHAIRMAN. There are other items of that kind.

Mr. MILLER. Yes, sir.

The CHAIRMAN. Are those loans or advances repaid, or in the nature of a bonus?

Mr. MILLER. Those were not repaid.

The CHAIRMAN. How did you pay them out—upon what authority? You do not just voluntarily make the payments, I assume. I will say in this connection that your books show very clearly indeed, even to a man who is not an expert accountant.

Mr. MILLER. They are authorized by the superintendent, and, as I said before, the bills are approved by the president and by signing the check.

The CHAIRMAN. Have you checked up to see how much was paid to the football boys in 1908?

Mr. MILLER. I have.

The CHAIRMAN. It appears from the memorandum furnished me that on December 10, 1908, the total amount paid on this account was \$4,283.

Mr. MILLER. That was the amount of the check.

The CHAIRMAN. That was to pay football boys, was it?

Mr. MILLER. Yes.

The CHAIRMAN. I find also by check No. 508, December 4, there is an item of \$3,667.63. What account was that paid from, and what was it for?

Mr. MILLER. From the athletic account, and for the boys.

The CHAIRMAN. For the football boys?

Mr. MILLER. Yes, sir.

The CHAIRMAN. What other advances in the nature of bonuses are usually made to the football boys? What other allowances?

Mr. MILLER. Since the practice of paying the money was abolished, they have been allowed an overcoat and a suit of clothing each year.

The CHAIRMAN. And that is paid out of the athletic fund?

Mr. MILLER. They are given orders on the merchants of town to secure this clothing, and the bills are paid from this fund. The boys get no money.

The CHAIRMAN. It appears that by check No. 1051, November 21, 1908, an item of \$15 was paid to the Postal Telegraph Co. What was that for?

Mr. MILLER. For election returns.

The CHAIRMAN. I believe the business department and the academic buildings were constructed out of the athletic funds, or do you know?

Mr. MILLER. Yes, sir; I think the most of it.

The CHAIRMAN. That cost approximately \$7,000, didn't it?

Mr. MILLER. Those were Mr. Warner's estimates.

The CHAIRMAN. The material for the building was paid for out of the athletic fund, and the work done by the Government?

Mr. MILLER. Yes, sir.

The CHAIRMAN. I see a check here, No. 3394, June 25, 1913, to George Walker, sheriff, and another—

Mr. MILLER. One moment.

The CHAIRMAN. George Walker, sheriff, \$10. What was that for?

Mr. MILLER. That was for arresting a girl in Chambersburg, as I recall.

The CHAIRMAN. Have you an itemized statement of that?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Will you get that for me if it is not too much trouble, please?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Now, I see another check, No. 3407, H. J. Bentley, detective, \$10. Do you know what that was for?

Mr. MILLER. Yes, sir; that was for his services in trying to apprehend boys who were absent from the school without leave; boys who were meeting town girls out by the fair grounds.

The CHAIRMAN. Now, I find among these checks, a number of items for clippings. For instance, check No. 3476, October 6, 1913, clippings, \$30. What does that mean?

Mr. MILLER. Clipping from the Luces Press, for the superintendent.

The CHAIRMAN. From the athletic fund?

Mr. MILLER. Yes, sir. I believe the clippings were for anything pertaining to the school or the superintendent.

The CHAIRMAN. I find another check numbered 2854, February 5, 1912, Argus Press, clippings, \$52.35. Do you know what that was for?

Mr. MILLER. For the same purpose.

The CHAIRMAN. And another, No. 2888, dated February 26, 1912, Manhattan Press, clippings, \$25.

Mr. MILLER. Same purpose.

The CHAIRMAN. Check No. 2642, Luces Press, clippings, \$15.

Mr. MILLER. It should be No. 3641, \$15. Same purpose.

The CHAIRMAN. I find check No. 36——

Mr. MILLER. No. 3642 is for the arrest of a boy.

The CHAIRMAN. Now, these items were to pay for news clippings relating to the school and to the superintendent personally?

Mr. MILLER. Yes, sir.

The CHAIRMAN. On whose order were they paid?

Mr. MILLER. The superintendent's order.

The CHAIRMAN. I find check No. 1821, dated February 8, 1910, watches, \$308. What does that mean?

Mr. MILLER. For watches for the boys; prizes, I believe.

The CHAIRMAN. The football boys?

Mr. MILLER. I could not say if it was all football. I think it was for track teams and other athletic sports.

The CHAIRMAN. On whose order was that?

Mr. MILLER. Mr. Warner, I believe, made the purchase.

The CHAIRMAN. But who ordered it paid? The superintendent?

Mr. MILLER. Oh, yes; the bills were all approved by the superintendent.

The CHAIRMAN. I find a check, No. 1890, under date of March 24, 1910, to J. W. Wetzel, attorney, \$50. What was that for?

Mr. MILLER. I could not say.

The CHAIRMAN. Do you know of any services having been performed by Wetzel as attorney for the athletic association?

Mr. MILLER. No, sir.

The CHAIRMAN. I find check No. 1891, March 24, 1910, sermon, \$125. What is the explanation of that item?

Mr. MILLER. It was a commencement sermon.

The CHAIRMAN. Do they pay the minister delivering the commencement sermon annually \$125.

Mr. MILLER. Yes, sir; not always that amount, but he is paid.

The CHAIRMAN. Do you know how they came to be paid that amount?

Mr. MILLER. By the superintendent's order.

The CHAIRMAN. I find check No. 3631, August 24, 1911, Wetzel and Hambleton, attorneys, \$25. Do you know what that was for?

Mr. MILLER. I do not.

The CHAIRMAN. I also overlooked a while ago one of the items relating to clipping bureaus. Check No. 2698, October 7, 1911, clipping bureau, \$24.45. Was that for the same kind of service?

Mr. MILLER. No. 2698 is in favor of Mr. O'Brien, assistant coach.

The CHAIRMAN. No. 2699, I should have said.

Mr. MILLER. In favor of the Argus Press Clipping Bureau, \$24.45; the same as the others.

The CHAIRMAN. The expenses of players are of course paid out of the athletic fund when they go away from home to play a game?

Mr. MILLER. Yes, sir.

The CHAIRMAN. A large number of pupils usually attend those games from the school?

Mr. MILLER. The Philadelphia game.

The CHAIRMAN. They pay their own expenses, of course, when they go there?

Mr. MILLER. Yes, sir.

The CHAIRMAN. How much does it amount to?

Mr. MILLER. \$3.70 a round trip. When there are 100 in the party. I believe that has always been the rate.

The CHAIRMAN. How many usually go.

Mr. MILLER. From 100 to 200, and sometimes more.

The CHAIRMAN. What was the "charity" account? How did that account arise—from what source—and how was it disbursed?

Mr. MILLER. It is made up of contributions by persons who were interested in the school and wished to contribute for it for purposes that the Government would not pay.

The CHAIRMAN. Superintendent Friedman's expenses and those of his family when they accompanied him were universally paid out of the athletic fund when he attended these games?

Mr. MILLER. Yes, sir.

The CHAIRMAN. How did those expense accounts run—pretty large?

Mr. MILLER. You have the figures in almost every case.

The CHAIRMAN. You would, of course, rather not express an opinion? Were the accounts always itemized?

Mr. MILLER. No, sir.

The CHAIRMAN. How did you arrive at the amount to be paid?

Mr. MILLER. By an expense statement submitted by the superintendent, showing expenses on each occasion of so much.

The CHAIRMAN. Did he usually itemize them?

Mr. MILLER. No, sir.

The CHAIRMAN. He usually did not.

Mr. MILLER. He did not.

The CHAIRMAN. They were paid on his unitemized statement, by the checks as you have shown?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Approved by himself?

Mr. MILLER. Yes, sir. You understand, all these bills are approved by the superintendent.

The CHAIRMAN. Yes. You had no authority to audit them, and when he instructed you to make payment you did it?

Mr. MILLER. Certainly.

The CHAIRMAN. Has this fund ever been checked or investigated by any representative of the Government prior to Mr. E. B. Linnen, the inspector, who has just recently gone through it?

Mr. MILLER. I am not sure. I believe Mr. McConihe looked into it, but I am not sure.

The CHAIRMAN. Do you remember when that was?

Mr. MILLER. I could not give you the date; it was during Maj. Mercer's administration.

The CHAIRMAN. Was it before your time?

Mr. MILLER. No; I have been here 14 years.

The CHAIRMAN. I mean, did you have charge of these books then?

Mr. MILLER. Yes, sir. His main inquiry was individual Indian money, and I am not positive whether he looked into the athletic account or not.

Representative STEPHENS. Was Mr. McConihe a supervisor?

Mr. MILLER. Indian supervisor.

The CHAIRMAN. That is all I want to ask Mr. Miller.

Representative STEPHENS. I would like to ask him what they are doing with the surplus funds now?

Mr. MILLER. There is \$25,000 on hand; \$15,000 deposited at 3 per cent and the other is on open account.

Representative STEPHENS. What do you mean by "open account?"

Mr. MILLER. Checking account.

Representative STEPHENS. You are leaving about \$10,000 in a checking account and \$15,000 deposited for what time?

Mr. MILLER. It is a six months' certificate of deposit, bearing 3 per cent interest.

Representative STEPHENS. I understand you formerly invested in railroad bonds and this proved to be quite profitable?

Mr. MILLER. Yes, sir.

Representative STEPHENS. Why did they discontinue that?

Mr. MILLER. That was during Maj. Mercer's administration, and Mr. Friedman, I think, was afraid of loss or depreciation of security, and preferred to have the money at a lower rate of interest rather than invest it in a security which fluctuated.

Representative STEPHENS. What banks have it?

Mr. MILLER. The Farmers Trust Co. have the account now.

The CHAIRMAN. You know Mr. Stauffer, the band master, here, do you?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Were you present at any time when he had an interview with Mr. Linnen?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Where were you?

Mr. MILLER. In my office.

The CHAIRMAN. What date was that, if you remember?

Mr. MILLER. On Thursday of this week, February 5th.

The CHAIRMAN. Did you see him there on Friday, February the 6th, also?

Mr. MILLER. Yes, sir.

The CHAIRMAN. Did you hear a conversation between Mr. Stauffer and Mr. Linnen?

Mr. MILLER. Part of it.

The CHAIRMAN. What did you hear? Just state from memory or memorandum.

Mr. MILLER. I made an affidavit of the conversation at that time, reading as follows:

Mr. Stauffer reads affidavit and asks to change it. Mr. Linnen asks why he desires to change it. Mr. Stauffer replies, "I have been thinking it over and want to insert this," producing a statement in place of what he said. Mr. Linnen asks, "Have you consulted anyone in making this statement?" Here I was interrupted, either called from the room or didn't hear his reply, and probably other questions and replies.

Mr. Linnen then asks, "You then refuse to sign this affidavit?" Mr. Stauffer answers, "Yes, sir, in its present form." Mr. Linnen states, "All right, you are excused."

Mr. Stauffer replies, "I will give you to understand you are not superintendent here. You can't bluff us the way you have been doing things around here." Mr. Linnen states, "I told you, you were excused." Mr. Stauffer states, "You can't bluff anybody around here. We know you. We are on to your game."

Mr. Linnen makes no reply. Mr. Stauffer, going, remarks: "Furthermore, you are no gentleman," and passing out of the door, he exclaims, "You are no gentleman, do you hear that?"

TESTIMONY OF E. L. MARTIN.

The witness was duly sworn by the chairman.

The CHAIRMAN. Mr. Martin, what business are you engaged in?

Mr. MARTIN. Newspaper business.

The CHAIRMAN. You live in Carlisle, do you?

Mr. MARTIN. Yes, sir.

The CHAIRMAN. What is your newspaper?

Mr. MARTIN. I am editor of the Carlisle Evening Herald.

The CHAIRMAN. Are you also correspondent—

Mr. MARTIN. For the Associated Press and the Philadelphia Evening Telegram.

The CHAIRMAN. In checking over the accounts of the athletic fund it appears that under date of January 6, 1912, you received a check for \$150.

Mr. MARTIN. Yes, sir.

The CHAIRMAN. For what service was that?

Mr. MARTIN. Why, for service of material given out and services rendered, as typewriting, etc., for the Indian athletic committee, during the football and athletic seasons. I am connected with Mr. Miller, who has the Letter Shop in Carlisle, and I have a half interest in the correspondence to about 120 newspapers. Mr. Miller and I have been doing the publicity work for the athletic association during the football seasons. I have been here two years, and during that season we have received \$150 each for photographs and the work done in advertising football games in other cities.

The CHAIRMAN. I find here check No. 3175, under date of December 3, 1912, by which you received as correspondent \$150 in addition to the \$150 I referred to a while ago. What was that for?

Mr. MARTIN. That was 1913—Oh, one was for 1912 and one for 1913. It was the same each each year, for services rendered.

The CHAIRMAN. How was that allowance made, Mr. Martin? Was it in the nature of a salary?

Mr. MARTIN. No, it was for expenses only. We send out articles lots of times uselessly; we take a chance. But during the football season and the lacrosse season—

The CHAIRMAN. Boosting the game?

Mr. MARTIN. Boosting the crowds for the game.

The CHAIRMAN. Now, I find another check, No. 3571, under date of November 24, 1913, to Hugh R. Miller, editor, \$200—\$100 to Miller and \$100 to Martin. That was for the same kind of service, was it?

Mr. MILLER. The \$200 check last fall was the first payment, and the \$100 check the second payment, making the \$300, divided between the two gentlemen.

The CHAIRMAN. The other check was under date of December 2, 1913, for \$100, which made \$150 each?

Mr. MARTIN. Yes.

The CHAIRMAN. You send this out in the nature of news?

Mr. MARTIN. In the nature of news; yes. It would be paid for in newspapers if it were sent as advertising.

The CHAIRMAN. But being sent out as news, it would be less expensive?

Mr. MARTIN. Yes.

The CHAIRMAN. Does the Associated Press carry that?

Mr. MARTIN. No; they do not carry it.

The CHAIRMAN. Who does carry it?

Mr. MARTIN. It is carried in some of these papers. One story might be carried in one—one story would not go in all the papers. We have about 120 papers.

The CHAIRMAN. Do they belong to an association?

Mr. MARTIN. No. Mr. Miller worked for years here to organize a news syndicate himself.

The CHAIRMAN. And he sent this out by telegraph or letter?

Mr. MARTIN. Mostly by letter.

The CHAIRMAN. To the independent papers that he represents?

Mr. MARTIN. That is it. During the football season we have a regular standing order by wire each night for 15 to 20 papers—Boston, Chicago, New York, Philadelphia, Pittsburgh—wherever the team plays during the season.

The CHAIRMAN. I think you have sufficiently explained. The items that went to your associate, Mr. Miller, were for the same kind of service?

Mr. MARTIN. Yes; he is the manager; I am a kind of silent partner. I do half the work, about, and we divide. It costs us on an average, I should judge, \$150 a year for postage alone. That does not cover the expense. We sent out, I suppose, five or six hundred photographs last year.

The CHAIRMAN. You think you do not make anything out of it?

Mr. MILLER. We do not. We lose money as far as the expenses are concerned. We probably make the difference up from the money we get from the newspapers. We have to send so much out that the correspondence itself does make up the difference in the expenses.

Representative CARTER. Is this procedure that you have at Carlisle for the advertisement of games, etc., customary in the colleges throughout the country?

Mr. MARTIN. I believe so. I know it is at Bucknell, where I graduated.

Representative CARTER. That is the regular procedure?

Mr. MARTIN. In most of the colleges that I know of. Dickinson College did the same.

FURTHER TESTIMONY OF MR. WILLIAM H. MILLER, FINANCIAL CLERK.

Representative CARTER. I want to ask Mr. Miller a few more questions. When was the Carlisle Indian School Athletic Association formed?

Mr. MILLER. The athletic association has existed as long as I can remember. The constitution and by-laws were printed, as I remember, in 1908. The incorporation took place after that date, however. The constitution and by-laws, as I said, were printed, I think, in 1908, and the incorporation was of a more recent date.

Representative CARTER. When was the incorporation? I notice from notes furnished me it was on April 8, 1911.

Mr. MILLER. I think that is correct.

Representative CARTER. Who were the incorporators?

Mr. MILLER. Mr. Warner, myself, and some of the boys.

Representative CARTER. Which ones of the boys?

Mr. MILLER. Hauser—I can not recall them.

Representative CARTER. Garlow?

Mr. MILLER. I believe William Garlow is one.

Representative CARTER. Was that all?

Mr. MILLER. Yes, sir.

Representative CARTER. What was your method of organization at that time?

Mr. MILLER. There was a meeting called, explaining the purpose of the organization——

Representative CARTER. It is not necessary to read; I think you can tell us in general terms what the method of organization was. How did you go about the organization of this athletic association?

Mr. MILLER. After the meeting was called, Mr. Ray, an attorney here, was employed to secure the charter, and that is practically all there was to it.

Representative CARTER. Did anybody pay any money into it?

Mr. MILLER. No, sir.

Representative CARTER. Under what State laws were you incorporated?

Mr. MILLER. Pennsylvania.

Representative CARTER. Now, who is Mr. Moses Friedman?

Mr. MILLER. The superintendent.

Representative CARTER. Who is Glenn S. Warner?

Mr. MILLER. Athletic director.

Representative CARTER. Who is Will H. Miller?

Mr. MILLER. Financial clerk.

Representative CARTER. Who is William Garlow?

Mr. MILLER. One of the athletic boys.

Representative CARTER. Who was this fellow Hauser?

Mr. MILLER. He was one of the athletic boys.

Representative CARTER. And the other gentleman's name you mentioned was one of the boys?

Mr. MILLER. Yes, sir.

Representative CARTER. How many belong to that association now?

Mr. MILLER. I could not say.

Representative CARTER. What is the method for joining the association?

Mr. MILLER. All those entitled to wear the "C," whatever that requirement is—Mr. Warner knows, but I could not say—are members of the association.

Representative CARTER. Could you give us a general idea?

Mr. MILLER. They are made up of boys on the track team and the baseball team, when they had baseball, and lacrosse and football.

Representative CARTER. The membership of the association, then, is composed of you three gentlemen, and those boys who are eligible to take part in the Carlisle athletics, according to the decision of Mr. Warner?

Mr. MILLER. Yes, sir.

Representative CARTER. What do the boys get out of this?

Mr. MILLER. They at one time received payments of money. At the present time they get nothing but the prizes they win in the contests, and at the close of the football season they get an overcoat and a suit of clothing.

Representative CARTER. They get that whether you make a profit or not?

Mr. MILLER. Well, it could not be well given if there was not a profit. There always has been a profit.

Representative CARTER. If you did not make a profit you gentlemen would not be expected to dig up from your pockets and make those things good?

Mr. MILLER. I should not think so.

Representative CARTER. What benefit do the other students who do not belong to the association get from it?

Mr. MILLER. There are entertainments—there have been entertainments, paid for from these funds, given in the school chapel. There have been buildings erected from these funds—the business department, and the academic building, and the printing office—

Representative CARTER. The other students of the school do not get any direct benefit? All they get is the benefit to the institution?

Mr. MILLER. Yes, sir; indirectly.

Representative CARTER. Does Mr. Friedman draw a salary?

Mr. MILLER. From the association?

Representative CARTER. Yes.

Mr. MILLER. No, sir.

Representative CARTER. Does Mr. Warner?

Mr. MILLER. Yes, sir.

Representative CARTER. What is his salary?

Mr. MILLER. \$4,000 per year.

Representative CARTER. Do you draw a salary?

Mr. MILLER. Yes, sir.

Representative CARTER. What is your salary?

Mr. MILLER. \$420 a year.

Representative CARTER. What are Mr. Friedman's duties in connection with the association?

Mr. MILLER. To pass upon the bills.

Representative CARTER. Is that all he does?

Mr. MILLER. Well, the others, I should say, would come under his duties as superintendent, looking after the welfare of the pupils.

Representative CARTER. Then, his position in connection with the athletic association does not place upon him any additional responsibilities or duties that he would not have if he were not connected with the association?

Mr. MILLER. I can hardly answer that, not knowing the duties of the superintendent.

Representative CARTER. I believe you said Mrs. Foster drew something from this fund, who is a teacher?

Mr. MILLER. Yes, sir.

Representative CARTER. Do you know what her duties as a teacher are?

Mr. MILLER. Her duties in connection with the athletic association? Nothing.

Representative CARTER. I believe you said that Mr. Mann, who is a teacher, also drew a salary?

Mr. MILLER. Yes, sir; they were paid from this fund for the purpose of looking after the Y. M. C. A. work.

Representative CARTER. But he has no duties whatever in connection with the athletic association?

Mr. MILLER. Not any.

Representative CARTER. I believe you said Mr. William H. Dietz drew a salary from the fund?

Mr. MILLER. Yes, sir; but I think he was assistant coach.

Representative CARTER. He draws that for assistant coach?

Mr. MILLER. Yes, sir.

Representative CARTER. So that he is one fellow who does actually render some service to the association for the salary he draws?

Mr. MILLER. Yes, sir; and Mr. Warner.

Representative CARTER. Since your society has been incorporated, how many games of football have you played?

Mr. MILLER. I could not answer that. I could give it approximately.

Representative CARTER. Haven't you a record of it?

Mr. MILLER. Yes, sir; the ledger gives each game separately.

Representative CARTER. I would like to have that in the record—each game separately that you have played and the amounts you received from each game.

Mr. MILLER. I believe Mr. Linnen has that information. I can not give it gross and net. I have taken up here the check I have received. In some cases we shared in the net receipts and in some cases we shared in the gross receipts.

Representative CARTER. What do you mean by the check you received?

Mr. MILLER. The money actually received.

Representative CARTER. Who gives you this check?

Mr. MILLER. Mr. Warner.

Representative CARTER. Mr. Warner settles the accounts of the games and then gives you a check for it?

Mr. MILLER. No. The teams we play usually have charge of the gate receipts. They settle the bills and settle with Mr. Warner on the basis of the contract that he has entered into with them.

Representative CARTER. That check they give him is always for the net receipts?

Mr. MILLER. As I said, it is not always figured on the net receipts. Sometimes the contract is made on a guaranty.

Representative CARTER. I mean the net receipts to your association.

Mr. MILLER. That is right; I understand you now.

Representative CARTER. Have you received any emolument or pay or remuneration of any character from the association during your services except your salary?

Mr. MILLER. On one occasion I received \$100, which I think I explained while you were out.

Representative CARTER. Is that all you have received?

Mr. MILLER. Yes, sir.

Representative CARTER. You have received nothing else from the athletic fund except that \$100 and your salary?

Mr. MILLER. That is all.

Representative CARTER. Do you know whether Mr. Friedman has or not?

Mr. MILLER. Yes, sir; the record shows that he has.

Representative CARTER. Do you know whether he received anything outside of what your records show or not?

Mr. MILLER. No, sir; I do not.

Representative CARTER. Do you know whether Mr. Warner did or not?

Mr. MILLER. No, sir; I do not.

Representative CARTER. Can you tell what the aggregate receipts of your association have been for games and in other ways since you have been secretary?

Mr. MILLER. Yes, sir; I can, from the ledger.

Representative CARTER. I mean since you were incorporated.

Mr. MILLER. Yes, sir.

Representative CARTER. You can not give them without consulting your ledger?

Mr. MILLER. No, sir; I will have to take up the receipts column here and hunt it up.

Representative CARTER. Now, Mr. Miller, I wish you would give a tabulated statement showing each check that was delivered to you from each source whatsoever, foot it up, and show us what the aggregate is.

Mr. MILLER. That is, since incorporation? Yes, sir.

(The statement furnished by Mr. Miller is as follows:)

Statement of receipts of athletic fund.

Date.	From whom received.	Amount.	Date.	From whom received.	Amount.
1907.			1907.		
Mar. 16	Franklin and Marshall game.	\$21.20	June 6	Franklin and Marshall game.	\$20.00
11	Atlantic City guaranty	129.20	6	Mercersburg game	10.00
17	Harrisburg guaranty	200.00	6	University of Pennsylvania.	37.50
May 4	Seton Hall game	100.00	18	Franklin and Marshall	10.00
2	Fordham game	75.00	18	All right game	40.00
2	Brown game	200.00	18	State College	100.00
15	Lafayette game	90.00	18	U. P. game	100.00
20	Annapolis game	97.00	Sept. 21	Lebanon Valley	22.40
20	Elmira game	523.00	28	Villanova	125.00
20	St. Mary's game	60.00	Oct. 1	Mercersburg	35.20
27	Millersville game	50.00	2	Susquehanna game	11.00
June 6	Atlantic City game	18.45	7	Reading game	200.00
6	do	75.00	7	Williamsport game	\$42.04

Statement of receipts of athletic fund—Continued.

Date.	From whom received.	Amount.	Date.	From whom received.	Amount.
1907.			1909.		
Oct. 14	Wyoming game.....	\$88.85	Feb. 19	American Sports Publishing Co.....	\$75.00
14	Syracuse game.....	2,188.40	29	Buffalo guaranty.....	99.20
21	Bucknell game.....	200.00	1	New Orleans guaranty.....	146.25
21	Shippensburg game.....	14.88	12	Georgetown University.....	50.00
Nov. 4	Frankford guaranty.....	150.00	12	Trenton Y. M. C. A.....	100.00
11	Steele Y. M. C. A.....	125.00	12	Johns Hopkins University.....	40.00
15	Princeton game.....	9,253.35	15	F. B. Low guaranty.....	45.00
18	Susquehanna University.....	44.16	30	Mercersburg guaranty.....	23.76
26	University of Pennsylvania game.....	6,260.03	1	Atlantic City guaranty.....	35.00
Dec. 2	Waynesboro game.....	14.08	12	Mercersburg guaranty.....	23.76
7	Balance U. P. game.....	500.00	19	Pittsburgh guaranty.....	105.00
9	University of Chicago game.....	16,960.25	26	State guaranty.....	75.00
20	University of Minnesota game.....	7,507.50	26	Bucknell guaranty.....	55.00
26	Harvard game.....	11,433.81	26	Harrisburg Athletic Club.....	175.00
	Balance on hand end of year, bank balance.....	14,503.96	May 4	Andover guaranty.....	75.00
	Balance on hand end of year, Northern Pacific bonds.....	28,000.00	4	Holy Cross guaranty.....	40.00
	Total.....	42,503.96	4	Brown guaranty.....	100.00
			10	Scotland guaranty.....	12.32
			11	State College.....	8.25
1908.			13	Dickinson game.....	33.98
Apr. 7	Mercersburg guaranty.....	23.76	13	Syracuse University.....	315.70
20	do.....	9.70	13	Cornell.....	150.00
20	Trenton guaranty.....	75.00	15	Lafayette.....	41.25
20	Lehigh guaranty.....	80.00	20	Dickinson.....	31.70
27	Emmitsburg guaranty.....	65.00	19	Seton Hall guaranty.....	60.00
30	Buffalo guaranty.....	100.00	19	Fordham guaranty.....	80.00
May 11	Holy Cross guaranty.....	100.00	19	West Point.....	150.00
11	Brown guaranty.....	200.00	19	Hagerstown guaranty.....	42.30
19	Elmira.....	200.00	20	St. Mary's game.....	65.00
19	Ithaca guaranty.....	75.00	1	Hagerstown guaranty.....	60.00
25	Hagerstown guaranty.....	80.00	1	Annapolis guaranty.....	75.00
25	Winchester guaranty.....	100.00	1	Mount Washington.....	125.00
25	Balance Elmira game.....	217.67	1	Millersville guaranty.....	75.00
25	Dickinson game.....	33.00	1	Shippensburg guaranty.....	12.60
June 3	Hagerstown games.....	174.62	1	University of Pittsburgh.....	8.00
8	Dickinson game.....	59.87	8	Harrisburg track meet.....	41.00
8	Harrisburg Athletic Club.....	8.36	8	Myerstown guaranty.....	40.00
11	Franklin and Marshall guaranty.....	50.00	14	U. P. guaranty.....	75.00
11	Albright guaranty.....	40.00	Sept. 18	Steelton Athletic Club.....	35.25
18	University of Pennsylvania.....	100.00	22	Lebanon Valley game.....	5.25
Sept. 23	Lebanon Valley.....	11.50	25	Villanova game.....	119.00
26	Villanova.....	154.85	Oct. 1	Mercersburg game.....	32.40
29	Mercersburg game.....	32.40	2	Bucknell game.....	141.81
Oct. 3	State game at Wilkesbarre.....	1,570.41	6	Pittsburgh Athletic Club.....	53.50
10	Villanova.....	5.00	19	Stage game at Wilkes-Barre.....	1,186.84
13	Syracuse game at Buffalo.....	2,462.50	25	Syracuse game at New York.....	2,044.24
26	Wilkesbarre game.....	90.00	25	University of Pittsburgh.....	1,878.50
Nov. 2	Annapolis guaranty.....	500.00	Nov. 1	Norristown game.....	106.20
16	University of Pittsburgh.....	2,161.60	8	George Washington University.....	824.75
16	Warbrook game at Baltimore.....	200.00	8	Bloomsburg game.....	66.56
18	Scotland Orphan School.....	15.00	15	Baltimore guaranty.....	150.00
23	Allentown game.....	86.04	15	Gettysburg game.....	131.50
27	Waynesboro game.....	28.16	15	Gettysburg game.....	28.16
30	Dickinson game.....	20.40	Dec. 1	Gettysburg game.....	25.00
30	Phoenixville guaranty.....	100.00	6	Allentown guaranty.....	100.00
Dec. 2	St. Louis University.....	7,297.75	6	Phoenixville guaranty.....	100.00
10	Nebraska and Denver game.....	2,500.00	31	Brown University.....	1,584.13
16	University of Pennsylvania game.....	7,313.43	31	University of Pennsylvania.....	6,741.00
21	University of Minnesota game.....	5,854.03	31	University of St. Louis.....	3,785.00
	Balance on hand end of year.....	14,169.91		Balance on hand end of year.....	9,652.85
	Balance, Reading bonds.....	12,000.00		(Some Reading bonds.)	
	Total.....	26,169.91	1910.		
	(Including some of the Northern Pacific bonds.)		Jan. 20	Swarthmore guaranty.....	50.00
1909.			Jan. 22	Gettysburg guaranty.....	25.00
Feb. 13	Harvard game.....	7,854.78	Feb. 3	New York track guaranty.....	75.00
Jan. 16	Balance, Harvard game.....	690.00	3	University of Pennsylvania basket ball guaranty.....	65.00
Feb. 4	University of Pennsylvania basket ball.....	50.00	11	Dexter Academy.....	100.00
13	Boston Athletic Association.....	120.00	14	Cornell guaranty.....	60.00
			14	Syracuse guaranty.....	100.00
			15	Mercersburg guarantee.....	15.12
			17	Franklin and Marshall.....	30.00
			21	Washington guaranty.....	57.76
			21	Mercersburg guaranty.....	15.12
			23	Columbia guaranty.....	150.00
			23	Tewanama guaranty.....	30.00

Statement of receipts of athletic fund—Continued.

Date.	From whom received.	Amount.	Date.	From whom received.	Amount.
1910.			1911.		
Mar. 1	Shippensburg guaranty.....	\$6. 16	May 31	Mount Washington guaranty.....	\$80. 00
14	Baltimore guaranty.....	60. 00	June 2	Swarthmore guaranty.....	80. 00
25	New York Athletic Club.....	30. 00	Sept. 23	Lebanon Valley game.....	45. 50
25	Albright guaranty.....	15. 34	28	Muhlenburg game.....	3. 75
Apr. 9	Lehigh game.....	25. 50	Oct. 1	Dickinson game.....	156. 70
12	Sixty-fifth Regiment Ath- letic Association, Buffalo..	117. 00	4	Mercersburg game.....	33. 00
23	Swarthmore game.....	12. 00	9	Bloomsburg guaranty.....	72. 00
27	Stevens Institute guaranty..	100. 00	16	Lebanon Valley.....	36. 50
May 2	Baltimore game.....	4. 75	17	Georgetown University.....	1, 293. 00
9	State College.....	25. 50	24	University of Pittsburgh.....	2, 281. 92
14	Swarthmore.....	8. 25	Nov. 7	Lafayette.....	1, 769. 40
16	Annapolis guaranty.....	40. 00	20	Mount Washington game.....	100. 00
21	Pittsburgh A. A.....	10. 00	27	Scotland game.....	16. 10
24	Baltimore guaranty.....	80. 00	21	Syracuse University.....	2, 727. 50
24	Easton guaranty.....	125. 00	28	Johns Hopkins.....	700. 00
June 1	Harlem Evening High School..	30. 00	28	Wilkes-Barre game.....	. 70
1	Stamford (Conn.) guaranty..	35. 00	28	Youngstown Athletic Club..	750. 04
Sept. 21	Lebanon Valley.....	19. 00	29	Scotland guaranty.....	16. 10
27	Mercersburg guaranty.....	33. 10	4	Muhlenburg.....	100. 00
28	Muhlenburg game.....	10. 50	4	Berwick guaranty.....	13. 50
Oct. 7	Emmitsburg guaranty.....	75. 00	4	Middletown guaranty.....	25. 00
10	Harrisburg guaranty.....	12. 16	15	Harvard game.....	10, 399. 67
11	Gettysburg guaranty.....	30. 50		Balance at end of year.....	12, 604. 07
17	Elverson guaranty.....	100. 00			
21	University of Syracuse.....	2, 028. 75	1912.		
24	Dickinson College.....	17. 91	Jan 1	University of Pennsylvania game.....	3, 970. 41
24	Bloomsburg.....	70. 72	1	Brown University.....	3, 617. 80
24	Mercersburg.....	31. 64	6	Sixty-fifth Regiment Ath- letic Association.....	57. 05
26	Princeton University.....	598. 00	8	University of Pennsylvania races.....	65. 00
31	Mercersburg.....	33. 90	Feb. 12	Swarthmore guaranty.....	45. 00
31	Bucknell at Wilkes-Barre.....	2, 038. 50	19	Baltimore guaranty.....	75. 00
Nov. 2	Lebanon Valley.....	23. 94	24	Boston Athletic Association..	91. 17
3	Villanova.....	2, 372. 50	Mar. 4	Seventy-first Regiment.....	30. 00
8	Phoenixville guaranty.....	125. 00	7	Washington track guaranty..	69. 50
8	Harrisburg Academy.....	15. 00	Apr. 2	Pittsburgh Athletic Associa- tion.....	58. 40
14	Walbrook guaranty.....	150. 00	18	Lehigh lacrosse.....	75. 00
14	Navy guaranty.....	550. 00	22	Johns Hopkins.....	125. 00
19	University of Virginia.....	840. 13	May 10	Mail and Express guaranty..	103. 61
21	Johns Hopkins.....	924. 75	14	John C. Gilpin guaranty.....	100. 00
22	Gettysburg.....	25. 00	20	Swarthmore guaranty.....	85. 00
22	Millersburg.....	36. 00	27	Brooklyn Athletic Club.....	126. 58
25	Muhlenburg.....	102. 70	28	Lafayette guaranty.....	125. 00
25	Berwick guaranty.....	18. 00	June 3	Mount Washington guaranty	80. 00
Dec. 27	Brown University.....	4, 006. 25	Aug. 21	Newark race.....	25. 00
27	University of Pennsylvania..	3, 609. 59	Sept. 23	Albright game.....	69. 25
	Balance end of year.....	4, 060. 43	25	Lebanon Valley game.....	10. 75
1911.			Oct. 1	Mercersburg.....	37. 80
Jan. 3	National Collegiate meet.....	45. 00	4	Villanova game.....	546. 88
9	Shippensburg Normal.....	6. 86	9	Washington and Jefferson..	2, 092. 00
17	Swarthmore game.....	50. 00	14	Norristown.....	103. 32
17	University of Pennsylvania game.....	65. 00	14	Harrisburg guaranty.....	11. 45
17	St. Johns guaranty.....	60. 00	16	Syracuse University.....	1, 957. 50
	Sixty-fifth regulation guar- anty.....	56. 10	21	University of Pittsburgh.....	3, 074. 88
19	Harvard Law School.....	1, 480. 20	21	Bloomsburg Normal.....	64. 68
23	Millersville B. B. guaranty..	19. 67	28	Georgetown University.....	1, 860. 90
30	Gettysburg guaranty.....	25. 00	30	Myerstown game.....	40. 68
30	Mercersburg guaranty.....	15. 82	Nov. 4	Syracuse University.....	25. 00
Feb. 3	York Y. M. C. A.....	15. 00	4	Toronto game.....	3, 070. 38
6	Shippensburg game.....	6. 86	4	Lebanon Valley.....	30. 70
10	Canton guaranty.....	125. 00	5	New Cumberland.....	13. 20
10	Oswego guaranty.....	100. 00	7	Latrobe game.....	300. 00
10	Rochester guaranty.....	100. 00	8	Lehigh University.....	1, 473. 25
10	Buffalo guaranty.....	100. 00	18	Wilkes-Barre game.....	90. 88
13	Columbia game.....	100. 00	26	Springfield Y. M. C. A.....	2, 033. 65
13	Crecent game.....	60. 00	27	Mount Washington guaranty	100. 00
14	Johns Hopkins game.....	60. 00	29	Berwick guaranty.....	8. 78
23	Albright guaranty.....	25. 00	29	Holmesburg guaranty.....	150. 00
Mar. 3	Emmitsburg guaranty.....	40. 00	29	West Point guaranty.....	500. 00
3	Philadelphia marathon.....	29. 50	Dec. 5	Dickinson game.....	40. 65
Apr. 6	Bethlehem guaranty.....	75. 00	6	Middletown guaranty.....	30. 00
24	Johns Hopkins.....	100. 00	9	University of Pennsylvania..	6, 614. 73
May 1	Harvard game.....	250. 00		Balance on hand at end of year.....	13, 354. 98
10	The Evening Mail.....	43. 78			
29	Steven's guaranty.....	150. 00			

Statement of receipts of athletic fund—Continued.

Date.	From whom received.	Amount.	Date.	From whom received.	Amount.
1913.			1913.		
Jan. 6	University of Pennsylvania basket ball game	\$65.00	Nov. 17	Dartmouth game	\$8,629.35
9	Brown University	3,862.60	28	Lebanon Valley	50.00
Feb. 17	Johns Hopkins	50.00	27	do.	30.00
Mar. 13	Buffalo guaranty	96.65	27	Holmesburg Athletic Club...	200.00
20	Washington guaranty	50.00	27	St. Bountevouse College	237.56
Apr. 21	South Bethlehem guaranty ..	75.00	27	Muhlenburg College	150.00
May 5	Johns Hopkins	125.00	27	Bloomsburg Normal	85.00
5	Annapolis	60.00	29	Syracuse University	1,583.00
12	Baltimore	100.00	Dec. 23	University of Pennsylvania..	3,673.50
26	Crescent Athletic Club	143.00		Balance in bank end of year.	9,112.60
31	Swarthmore	85.00		Certificate of deposit	15,000.00
June 2	Mount Washington	138.00		Total	24,112.60
Sept. 27	West Virginia game	108.75			
Oct. 3	Mercersburg guaranty	30.60	1914.		
6	Waynesburg guaranty	27.90	Jan. 17	Brown University	2,892.00
14	Albright guaranty	46.20	Feb. 6	Philadelphia guaranty	65.00
17	Cornell University	1,451.75		Balance in bank end of Jan-	10,144.83
20	University of Pittsburgh	2,403.32		uary	15,000.00
22	Penn Military Academy	150.00		Certificates of deposit	
8	Lehigh game	1,206.92		Total	25,144.83
Nov. 9	Hilman Academy	120.00			
11	Johns Hopkins	418.75			
11	Georgetown University	1,000.00			

Representative CARTER. What is the largest sum you have ever received from a game?

The CHAIRMAN. Start with the date of this book.

Representative CARTER. All right. Go back to 1907 then. What is the largest receipts you have ever had in one game?

Mr. MILLER. I do not recall the amount. If I dare refer to these memoranda I have prepared, between \$16,000 and \$17,000.

Representative CARTER. When was that? You know what year it was, don't you?

Mr. MILLER. No; I don't recall the year.

The CHAIRMAN. His statement will show that.

Mr. MILLER. It was during Maj. Mercer's administration, that game with Chicago.

Representative STEPHENS. What year did he go out?

Mr. MILLER. Here it is; December 9, 1907, \$16,960.25.

Representative CARTER. Can you tell us without having to go through the books there about what the profit was?

Mr. MILLER. That is the net. The total receipts that year, as I remember, were about \$40,000 or \$45,000.

Representative CARTER. What were your running expenses that year?

Mr. MILLER. I could not tell you that without going over the accounts. That was the year, I believe, that the money was invested in bonds—Northern Pacific bonds and Reading bonds; 28 Northern Pacific bonds and 12 Reading; that would have been \$30,000, counting them at par. They were bought somewhat below par.

Representative CARTER. And the association still owns them?

Mr. MILLER. They have all been sold at a profit.

Representative CARTER. What was done with the proceeds?

Mr. MILLER. Turned back into the treasury at a profit of \$1,100 on the Northern Pacific and \$488 on the Reading.

Representative CARTER. Turned back into the association, and paid out in the regular course of business?

Mr. MILLER. Yes, sir; as accounted for by the ledger. These statements that I have fastened to the ledger here are a record of the purchases, etc.

Representative CARTER. You can tell about what your running expenses are each year, can you, on an average?

Mr. MILLER. No; I would not even like to approximate it.

Representative CARTER. What are the assets of the association now?

Mr. MILLER. At the present time there is \$15,000 invested at 3 per cent, and the balance in bank is \$10,144.83.

Representative CARTER. So it would look as if the association had not been conducted at a profit since those bonds were disposed of?

Mr. MILLER. Yes, sir; always at a profit, but the money has been invested in buildings on the grounds.

Representative CARTER. That money belongs to the association? By that you mean that each man that is a member of the association—students, teachers, and all—has an equal share?

Mr. MILLER. That is a question I can not answer.

Representative CARTER. Who does it belong to? Can you say?

Mr. MILLER. No, sir; I can not.

Representative CARTER. All you know is you have a right to pay it out on the order of Mr. Friedman?

Mr. MILLER. When the check is countersigned by Mr. Warner. I have asked myself the question, In case the school and the association were closed up what would become of the funds?

The CHAIRMAN. As a matter of fact, it is earned by the pupils in the school?

Mr. MILLER. Yes, sir.

The CHAIRMAN. And it is and ought to be part of the funds available for the conduct of this school, ought it not, and accounted for by Government officers?

Mr. MILLER. I believe that is one of the requirements, and yet in the case of West Point and Annapolis, is it done?

Representative CARTER. Now, when you make this statement, Mr. Miller, I would like for you to make it show the balance at the end of each year.

Mr. MILLER. Yes, sir. You mean the calendar year? At the end of December of each year?

Representative CARTER. That is the end of your season practically, is it not?

Mr. MILLER. Yes.

Representative CARTER. I would like for it to show specifically what was received from each game, the date the game was played, and the balance at the end of each year, and I would like for you to distinguish particularly between the disposition made of the funds and the way they were handled prior to and since incorporation.

Mr. MILLER. There has been no difference in the method of handling. This book begins in 1907, and the method of accounting for the money has been the same throughout.

Representative CARTER. Mr. Miller, have you any other business, except secretary of the association?

Mr. MILLER. Surely; that is a small part of my work.

Representative CARTER. What business are you in?

Mr. MILLER. I am financial clerk, and have charge of between 700 and 800 individual Indian accounts.

Representative CARTER. Financial clerk for the institution here?

Mr. MILLER. Yes, sir.

Representative CARTER. What salary do you draw?

Mr. MILLER. \$1,000 a year.

Representative CARTER. Your total salary then is \$1,420?

Mr. MILLER. Yes.

Representative CARTER. You say that after each game a check is turned over to you for the receipts of the game?

Mr. MILLER. Yes, sir.

Representative CARTER. What is that check the result of?

Mr. MILLER. It is the result of the game.

Representative CARTER. Of the receipts of the game?

Mr. MILLER. Yes, sir.

Representative CARTER. After the expenses are paid?

Mr. MILLER. Yes, sir.

Representative CARTER. After the boys' railroad fare is paid?

Mr. MILLER. No; those expenses go on the other side of the column. I take up invariably the amount of the check I receive, and then disburse by check on the other side.

Representative CARTER. Now, what I want to get at is exactly what the check means that is handed to you; just what expenses come out of the receipts of that game before the check reaches you.

Mr. MILLER. That is what I was trying to tell you. In some cases the check we get is figured with the receipts all taken in, and we get a percentage of the gate receipts. In some cases it is figured on the gross receipts, and in other cases it is a guaranty. Now, we have a game; the contract would read a guaranty of one, two, or three thousand dollars, or a certain per cent of the receipts. If the weather was bad and the receipts would not amount to more than the guaranty we would take the guaranty.

Representative CARTER. You do not always then divide the receipts of the game upon a percentage basis with other teams?

Mr. MILLER. No, sir.

Representative CARTER. Now, then, who makes the settlement at the gate?

Mr. MILLER. I have done so in a couple of instances. Well, of course, I have charge of the gate receipts here, which do not amount to very much, and I have had charge of two or three games away from home—one at Wilkes-Barre and one at Harrisburg.

Representative CARTER. Did you get a percentage of the receipts there or have a guaranty?

Mr. MILLER. At Wilkes-Barre you will find the ledger is credited with the total amount that we took in and then there is a check drawn in my favor for the total amount of the expenses.

Representative CARTER. You got all the money that was taken in and expenses in addition?

Mr. MILLER. No; we got all the money that was taken in, having charge of the gate receipts; but then we paid out the expenses and gave the other team a guaranty, I think, of \$500.

Representative CARTER. How about the other game?

Mr. MILLER. The other game at Harrisburg was the same way.

Representative CARTER. Now, the check you got ought to correspond with the amount as per the agreement made and given by the opposing football association?

Mr. MILLER. I would change that by saying it should agree with the statement rendered.

Senator LANE. Who are "they?"

Mr. MILLER. The team we play.

Senator LANE. Does the man who takes in the receipts turn those over to you?

Mr. MILLER. No; the team has a committee that has charge of the game; and then there is a statement made to accompany the check. Those statements I have on file wherever they were given to me.

Senator LANE. Who guarantees to you that the amount turned over to you is the amount actually collected at the gate?

Mr. MILLER. Those statements are always signed by some representative of the team.

Senator LANE. I know; but who does the actual work? Who handles the money before you get the check?

Mr. MILLER. The teams who have charge of the gates.

Senator LANE. They appoint a delegate from each team?

Mr. MILLER. Yes; but Carlisle is not always represented. You see, usually the team that we play has charge of the gates, because they usually own the field.

Senator LANE. Do you have somebody sitting in with them?

Mr. MILLER. Not very often.

Senator LANE. That is a matter of honor, and it is all straight, is it?

Mr. MILLER. So far as I know.

Representative CARTER. It may be true that you do not have some one sitting in when you are playing under a guarantee, but when you are playing for a percentage of receipts don't you have somebody?

Mr. MILLER. The contract usually reads that the team shall have charge of the gate.

Representative CARTER. Then the fellow authorized by the other team to do so turns over to Mr. Warner a check, and that check is delivered to you?

Mr. MILLER. That is it.

Representative CARTER. So that the fellow who had charge of the opposing team has a record that will correspond to the check that you get?

Mr. MILLER. Certainly he has.

Representative CARTER. There is no doubt about that at all, is there?

Mr. MILLER. I could not see where there could be.

Senator LANE. I do not understand when you are taking in \$18,000, \$19,000, or \$20,000, if it is in the interest of both teams, why both teams do not have representatives to sit there and watch the collection of the money. Why did you incorporate—or has that been asked? Why was it found necessary for this school to form a corporation, an inside administrative affair, for these football games, which are a school institution?

Mr. MILLER. I can not answer that.

Senator LANE. That corporation is an outside, independent concern from this school, is it not?

Mr. MILLER. Entirely.

Senator LANE. And not a Government affair?

Mr. MILLER. No.

Senator LANE. Do you account to the Government for all these things?

Mr. MILLER. Not a single thing.

Senator LANE. There is no report made of this to the Government?

Mr. MILLER. No, sir.

Senator LANE. Has any ever been asked?

Mr. MILLER. No, sir.

Senator LANE. Has it been investigated or inquired into by any representative of the Government?

Mr. MILLER. Not until Mr. Linnen looked into it, unless Mr. McConihe looked into it when he was here.

Senator LANE. You would have known it if he had checked your books, wouldn't you?

Mr. MILLER. I do not know——

Senator LANE. Not for many years, then?

Mr. MILLER. Not for six or eight years, no.

Senator LANE. Your other reports for school funds and for appropriations you make an accounting of and full statements?

Mr. MILLER. No; that is handled by another clerk.

Senator LANE. You are not the general clerk then?

Mr. MILLER. I just have charge of the individual Indian accounts.

Senator LANE. How much money have you in individual Indian accounts in the aggregate?

Mr. MILLER. About \$30,000.

Senator LANE. How many accounts have you?

Mr. MILLER. Approximately 700; between 700 and 800.

Senator LANE. Do you issue each Indian a statement once in a while?

Mr. MILLER. He has a little book, just the same as you and I have. The money is deposited to the individual credit of the pupil in the bank, and disbursed by a check that I write and the pupil signs, countersigned by the superintendent.

Representative STEPHENS. Who is president of the corporation?

Mr. MILLER. Mr. Warner, the physical director of the school.

Representative STEPHENS. I am asking about the corporation. You have a charter, and that charter requires the election of a president and vice president, does it not?

Mr. MILLER. No; just a president, and a secretary and treasurer.

Representative STEPHENS. What is the stock authorized by the charter?

Mr. MILLER. There is no stock.

Representative STEPHENS. What is the object of the charter then? Can you give us a copy of the charter?

Mr. MILLER. Yes, sir; I have the original charter.

Senator LANE. This corporation then has it in its power to take that money and invest it in any way outside of the school?

Mr. MILLER. I do not know.

Senator LANE. There are no restrictions placed upon you, are there, as to the disposition of the money?

Representative STEPHENS. We can not tell without the charter and the by-laws.

TESTIMONY OF WILLIAM B. GRAY.

The witness was duly sworn by the chairman.

The CHAIRMAN. Are you connected with this school?

Mr. GRAY. Yes, sir; I am the farmer.

The CHAIRMAN. How long have you been serving in that connection?

Mr. GRAY. As farmer about eight years next spring.

The CHAIRMAN. What are your duties, and how are they defined?

Mr. GRAY. My duties are to attend strictly to my own farm, as a rule, but I am required oftentimes to go over on the other farm and help.

The CHAIRMAN. How many farms are there?

Mr. GRAY. Two.

The CHAIRMAN. Where are they located with reference to this school?

Mr. GRAY. The farm that I am on is just northeast of the school about three-fourths of a mile, and the other is just down here south-east of the school.

The CHAIRMAN. How many acres?

Mr. GRAY. The campus takes up part of the farm. There is supposed to be 199 acres.

The CHAIRMAN. How many acres in the farm then exclusive of that?

Mr. GRAY. 176 acres.

The CHAIRMAN. What is the character of the land?

Mr. GRAY. It is limestone land. It is not very fertile; it has been farmed pretty hard.

The CHAIRMAN. Do you know how long it has been under cultivation, Mr. Gray?

Mr. GRAY. Yes, sir; it has been under cultivation for a great many years.

The CHAIRMAN. How long have you had charge of it?

Mr. GRAY. Eight years.

The CHAIRMAN. Do you do anything to build up the land?

Mr. GRAY. We get very little barnyard manure, and we have to depend largely, almost altogether, on commercial fertilizer, and we do not get as much of that as we should have.

The CHAIRMAN. What crops did you grow last year?

Mr. GRAY. We had corn, oats, potatoes——

The CHAIRMAN. How many acres of each, approximately?

Mr. GRAY. Corn, last year we had 29 acres.

The CHAIRMAN. How much did you grow?

Mr. GRAY. One thousand five hundred and sixty-seven bushels.

The CHAIRMAN. What was done with that corn?

Mr. GRAY. That was all used here at the school. What has not been used is down at the farm in the crib.

The CHAIRMAN. How is it used?

Mr. GRAY. Fed to the horses and stock.

The CHAIRMAN. How many horses are there on the farm?

Mr. GRAY. I have eight head of horses and mules on the farm.

The CHAIRMAN. How many acres of wheat did you have in?

Mr. GRAY. I had 48 acres of wheat in last year.

The CHAIRMAN. How much of that did you grow?

Mr. GRAY. I had 973 bushels.

The CHAIRMAN. What was done with that ?

Mr. GRAY. There was six hundred and some bushels of that sold. I kept 150 bushels for seed, and the rest of the 100 that I did not use for seed was used for chicken feed, and the rest of that was used to pay the man that threshed the wheat. He took wheat for his pay.

The CHAIRMAN. How many acres of oats did you have ?

Mr. GRAY. We had $21\frac{1}{2}$ acres last year.

The CHAIRMAN. How many bushels of oats did you grow ?

Mr. GRAY. Seven hundred and ten bushels, I believe.

The CHAIRMAN. How much potatoes ?

Mr. GRAY. One thousand one hundred and eighty-nine bushels.

Senator LANE. How many acres ?

Mr. GRAY. It was between 10 and 12 acres—about 11.

Senator LANE. And averaged 100 bushels to the acre ?

Mr. GRAY. Almost; yes, sir.

The CHAIRMAN. What kind do you grow ?

Mr. GRAY. Why, we grow Rural New Yorker.

The CHAIRMAN. What did you do with those potatoes ?

Mr. GRAY. They are all used up here at the school, with the exception that I have 120 bushels in my cellar at the farm for seed.

The CHAIRMAN. How many chickens have you ?

Mr. GRAY. I carry 90 on my quarterly report.

The CHAIRMAN. Is that the number you have ?

Mr. GRAY. I raised 195, I believe, and I killed 106 for Christmas.

The CHAIRMAN. That is for the pupils ?

Mr. GRAY. Yes, sir.

The CHAIRMAN. How do you cultivate the land under your control ?

Mr. GRAY. In regard to what do you mean ?

The CHAIRMAN. By what labor ?

Mr. GRAY. It is all done by the boys here at the school.

The CHAIRMAN. How many are detailed for that purpose ?

Mr. GRAY. Well, quite often there is not enough detailed to do the work. It depends upon what I am doing. I had a great deal of trouble last summer here.

The CHAIRMAN. Do you have difficulty in getting enough help ?

Mr. GRAY. Yes, sir.

The CHAIRMAN. Your idea is, I suppose, to run a kind of demonstration farm there and show the boys how to farm ?

Mr. GRAY. That is what we are supposed to do.

The CHAIRMAN. Are you doing much in that line ?

Mr. GRAY. Well, we try to do all we can, but we are supposed to raise crops at the same time. We are supposed to teach the boys, but we can not raise crops and teach the boys if we have to do the work ourselves. If we get plenty of help it makes all the difference in the world, but when we can not get the help, and it is no use to go to the superintendent—

Senator LANE. Why not go to the superintendent ?

Mr. GRAY. Well, if you go to him he says to go to the disciplinarian. Of course, I have been to the disciplinarian in the first place—the commandant, I suppose I should say.

Senator LANE. Do you mean to imply by that that the boys are put on the farm as a kind of punishment ?

Mr. GRAY. They certainly are. If the boys are good for anything he is allowed to go to the shops, but the boys we work with as a rule are boys that have failed in the country, and we get them and work with them on the farm. Just as soon as we report they are good, as a rule, they are taken away from us.

The CHAIRMAN. Then, as a matter of fact, the management here is making no effort to really develop these boys into farmers, are they?

Mr. GRAY. I can not see that they are.

The CHAIRMAN. You do not understand, being in charge of that farm, that that is a part of the policy at all?

Mr. GRAY. They take a boy away from you when he gets an interest in the work, and put in there boys who have made failures in the country, and it looks to me that it is in the nature of a penalty for a boy to have to go on the farm. And the better ones would reluctantly go there; they look at it that way, too.

The CHAIRMAN. If you had a larger and proper detail you think you could give some instructions to the boys that would encourage them to become farmers?

Mr. GRAY. Now, I have been here for a good many years, and as a rule I do not have any trouble to get along with any of the boys as long as I have the number I ask for. But when you can not get the number it creates a disturbance all around if you try to get as much work out of a few boys as you would like to get done.

Senator LANE. How many do you think you ought to have?

Mr. GRAY. In harvest time or time of that sort I ought to have down on my farm anywhere from 9 to 12 boys.

Senator LANE. How many acres have you?

Mr. GRAY. One hundred and seventy-six acres.

The CHAIRMAN. Now, in plowing time or seeding time, how many?

Mr. GRAY. At times like that I generally like to have a boy for each plow. Oftentimes I take a plow myself. We have heretofore had only six head of horses.

Senator LANE. How many boys do you get?

Mr. GRAY. Why, two, and three, and four in times of that kind.

Senator LANE. I mean in the time of seeding.

Mr. GRAY. Seeding time it is like that.

Senator LANE. What other help do you have?

Mr. GRAY. There is no other help.

Senator LANE. Why do you confine your attention to corn and wheat when this school has hundreds of students who need vegetables? Why don't you raise vegetables?

Mr. GRAY. This farm down here always used to be a truck farm, and they had so much trouble getting anybody to do the work.

Senator LANE. What kind of work?

Mr. GRAY. Hoeing. It takes considerable work. The man they had there did not seem to be able to manage it, so he cut it out and said he was going to raise the truck hereafter on this little tract down here.

Senator LANE. How much have you got in truck?

Mr. GRAY. I suppose 3 or 4 acres down here that they can truck.

Senator LANE. I mean how much do you truck?

Mr. GRAY. There is no trucking done on the farms at all.

Senator LANE. Where do you get your garden stuff?

Mr. GRAY. Right down here by the coal house.

Senator LANE. All off of 3 or 4 or 5 acres?

Mr. GRAY. Yes, sir; outside of the potatoes.

Senator LANE. The potatoes, you raised how many bushels?

Mr. GRAY. 1,189 bushels.

Senator LANE. That is not enough to do the school, is it?

Mr. GRAY. No, sir.

Senator LANE. How many should you raise?

Mr. GRAY. About 2,000 bushels.

Senator LANE. It would not do it, would it?

Mr. GRAY. Yes, sir.

Senator LANE. How many people have you got here?

Mr. GRAY. I would judge 800 or 900 pupils now. During the most part of the year there are many of the pupils out in the country.

Senator LANE. Carrots, cabbage, onions—how many onions do you raise a year?

Mr. GRAY. That all comes under the florist over here.

Senator LANE. You do not raise any of them?

Mr. GRAY. You could raise them. I suppose I could raise them.

Senator LANE. And parsnips? All good to eat?

Mr. GRAY. Yes, sir.

Senator LANE. How did it use to be here five or six or seven years ago? Were you able to get more boys to help you?

Mr. GRAY. Yes.

Senator LANE. When did you drop this into a sort of rut here?

Mr. GRAY. That has always been done on that farm—not on that farm, but they used to have a farm at Middlesex.

Senator LANE. How deep can you plow your land?

Mr. GRAY. Eight or nine inches.

Senator LANE. Do you disk?

Mr. GRAY. I have a double-action harrow.

Senator LANE. What is your worst pest in the way of weeds?

Mr. GRAY. We have a little quack grass there, but that is just in spots. We have Canada thistle, and some years we have wild carrot.

Senator LANE. What do you do with Canada thistle?

Mr. GRAY. We are getting rid of it. We keep it cut off. There are just a few patches.

Senator LANE. Is it increasing?

Mr. GRAY. No; we do not aim to let it make much growth.

Senator LANE. How long does it take to kill it out that way?

Mr. GRAY. I judge, a long time.

Senator LANE. A hundred years?

Mr. GRAY. I do not know anything about that, but we do not aim to let it do much harm.

Senator LANE. Are the other farmers here?

Mr. GRAY. Yes.

Senator LANE. You keep about eight horses?

Mr. GRAY. Four teams; yes, sir.

Senator LANE. What kind of plows do you use?

Mr. GRAY. Twelve-inch Imperial, wide beam.

Senator LANE. What is your soil?

Mr. GRAY. Limestone.

Senator LANE. Some clay in it?

Mr. GRAY. Clay soil.

Senator LANE. When do you begin to work on it?

Mr. GRAY. Sometimes in March.

Senator LANE. Do you fall sow, or spring?

Mr. GRAY. Fall.

Senator LANE. Does it winter-kill much here?

Mr. GRAY. No, sir.

TESTIMONY OF C. K. BALLARD.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the second farmer?

Mr. BALLARD. Yes.

The CHAIRMAN. You have only been here a short time?

Mr. BALLARD. Four months.

The CHAIRMAN. Where did you come from?

Mr. BALLARD. I came from Colorado down here. My home is in western New York.

The CHAIRMAN. Have you had experience in work similar to that which you are now doing?

Mr. BALLARD. Yes, sir.

The CHAIRMAN. For how long?

Mr. BALLARD. Practically all my life.

The CHAIRMAN. How many acres are there in the farm you have charge of?

Mr. BALLARD. This campus cuts off some of it, but I believe there is about 85 acres.

The CHAIRMAN. How much did you have in actual cultivation this last year?

Mr. BALLARD. Very little of it. The north side is in pasture. I should say about 75 to 80 acres.

The CHAIRMAN. How much of it is in actual cultivation?

Mr. BALLARD. Eleven acres of alfalfa, about 7 or 8 acres is seeded down to clover and timothy mixed, I think—clover anyhow.

The CHAIRMAN. Who preceded you in charge of this farm?

Mr. BALLARD. Mr. Snyder.

The CHAIRMAN. When did he leave?

Mr. BALLARD. He left the day I came.

The CHAIRMAN. How many head of stock have you there?

Mr. BALLARD. Two mules and three horses.

The CHAIRMAN. Any cows.

Mr. BALLARD. The dairyman has charge of those.

The CHAIRMAN. Are they on your farm?

Mr. BALLARD. Yes, sir.

The CHAIRMAN. How many cows are there there?

Mr. BALLARD. Forty-odd head.

The CHAIRMAN. Have you any chickens on your farm?

Mr. BALLARD. No, sir.

The CHAIRMAN. How many hogs and pigs?

Mr. BALLARD. One hundred and twelve. That varies greatly.

The CHAIRMAN. What has been done with those hogs? Have any of them been sold since you were here?

Mr. BALLARD. I killed 5 yesterday, and some in December; the 29th of December, I believe, I killed 2.

The CHAIRMAN. What was done with the meat from those 7 hogs? Used at the school?

Mr. BALLARD. Yes, sir.

The CHAIRMAN. How many have been sold since you have been here?

Mr. BALLARD. Ninety-seven.

The CHAIRMAN. The policy of the administration then is not to use the meat products raised on the farm but to sell them in the market?

Mr. BALLARD. Since I have been here.

The CHAIRMAN. Have you been informed as to why that is so?

Mr. BALLARD. No, sir.

The CHAIRMAN. Who has supervision or control of your operations?

Mr. BALLARD. The quartermaster, Mr. Kensler.

The CHAIRMAN. Have you and he agreed upon a plan of procedure for this year?

Mr. BALLARD. He told me I was running the farm.

The CHAIRMAN. Have you agreed what you were going to do this year?

Mr. BALLARD. Myself; that is all.

The CHAIRMAN. He leaves that to you?

Mr. BALLARD. Yes, sir.

The CHAIRMAN. What are you going to do? What are your plans generally?

Mr. BALLARD. My plans have been to keep it on the lines that it was. Mr. Friedman told me the man that had been here before me, his work had been very satisfactory, and he wished me to keep it on the same lines and not go into anything that he had not done?

The CHAIRMAN. What is that?

Mr. BALLARD. They filled the silo, and raised, with the exception of 9 acres, all potatoes, and the balance of the farm is for the dairy and these horses, with the exception of a few acres of pasture for the hogs.

The CHAIRMAN. Don't you think it would be a good plan to make a practical demonstration farm out of that and teach some of these boys, especially those who have a disposition to learn it, how to farm?

Mr. BALLARD. Yes, sir.

The CHAIRMAN. As a matter of fact, most of these boys are hired out into the country on farms, are they not?

Mr. BALLARD. I don't know how many; I know there is some.

The CHAIRMAN. Don't you think it would be for the better interests of the boys to keep them here at the school and teach them how to farm? Don't you think that is better than hiring them out for small salaries?

Mr. BALLARD. As far as that was possible. I don't know how many would wish to stay. I think it is the best thing for the boys.

The CHAIRMAN. How large is your salary?

Mr. BALLARD. \$60 a month.

The CHAIRMAN. What does the other farmer get?

Mr. BALLARD. I think he gets \$65.

The CHAIRMAN. They are paying here, then, in salaries to farmers about \$125 a month and there is practically no demonstration work being done? Is not that true?

Mr. BALLARD. I try to show my detail——

The CHAIRMAN. What does your detail consist of?

Mr. BALLARD. Usually about four boys—that is, four in the morning and four in the afternoon.

The CHAIRMAN. Why would it not be a good plan to put enough of this land in your charge in vegetables, and especially potatoes and crops of that sort, to supply every demand of the school for that character of food?

Mr. BALLARD. I do not think this is good potato land. Their yield seems to be about 100 bushels to an acre, which they consider a good yield. In a potato country I should consider 200 a fair yield.

The CHAIRMAN. You think it would not be profitable, then, to cultivate land in potatoes that would not grow more than 100 bushels to the acre? What do they pay for potatoes here when they buy them?

Mr. BALLARD. I think the retail price is about \$1.

Senator LANE. At \$1 a bushel for potatoes and 100 bushels to the acre would pay first rate, wouldn't it?

Mr. BALLARD. Potatoes is rather expensive to raise.

The CHAIRMAN. Have you investigated to find out the total yield of that arm last year—the value of the total product of the farm you have charge of?

Mr. BALLARD. No, sir. They put 12 acres in potatoes—

The CHAIRMAN. As a matter of fact, those 12 acres of potatoes yielded more in value than all the rest of the farm?

Mr. BALLARD. They did not get 100 bushels to the acre.

The CHAIRMAN. As a matter of fact, did not those 12 acres of potatoes yield a greater value than all the rest of the stuff grown on the farm?

Mr. BALLARD. I would not go so far as that. It would compare favorably with them.

The CHAIRMAN. There would be no difficulty in cultivating these farms with skilled labor under your supervision?

Mr. BALLARD. No, sir.

The CHAIRMAN. You could cultivate an area greatly in excess of the area under your charge, with skilled labor, if you had the opportunity of doing it?

Mr. BALLARD. Yes, sir.

The CHAIRMAN. And you could cultivate it in any ordinary crops that would grow in this climate?

Mr. BALLARD. Yes, sir.

The CHAIRMAN. Now, what I do not understand is why a man who is in the business of farming does not grasp the idea, without even a suggestion, that if his services are to be valuable to the school he ought to plan first; that the work that is done on the farm ought to be for the instruction of the pupils, and that the crops that are grown there ought to be for the use and benefit of the school. I can not understand the system that seems to prevail of working these lands indifferently and of discouraging rather than encouraging the production of such food stuffs as may be required.

Mr. BALLARD. I think the farmers are ready to do this at any time.

The CHAIRMAN. If you were an expert farmer here for the purpose of teaching farming, don't you think you ought to plan out just what crops you can grow there, how much labor it is going to require to do it, and what instruction may be given to the boys who are in the

school? You say you have already been instructed to pursue the lines followed by your predecessor?

Mr. BALLARD. Yes, sir.

Senator LANE. Have you ever gone to the superintendent and suggested to him that you could get more return for the land if you were allowed to plant other crops?

Mr. BALLARD. No, sir.

Senator LANE. Have you an idea that if you were left with your hands free you could take the lands you are using now and get a greater return?

Mr. BALLARD. I might in a way, but you see there is that dairy. That takes practically the whole farm.

Senator LANE. How much milk do you get?

Mr. BALLARD. I could not tell you.

Senator LANE. How many boys do you use?

Mr. BALLARD. I have nothing to do with the dairy.

Senator LANE. How much land does the dairy take from you?

Mr. BALLARD. With the exception of those 11 acres that they have in potatoes, the balance is all devoted to the dairy.

Senator LANE. And you are really cultivating 11 acres of land?

Mr. BALLARD. There are 11 acres of land devoted to potatoes, and the balance is devoted to the dairy.

Senator LANE. How much is that?

Mr. BALLARD. Thirty acres, I think.

Senator LANE. What do you make ensilage out of?

Mr. BALLARD. It was made out of corn; that was before I came.

TESTIMONY OF W. J. RYAN.

The witness was duly sworn by the chairman.

The CHAIRMAN. How long have you been dairyman of the Carlisle School?

Mr. RYAN. Since the 29th of September of this year.

The CHAIRMAN. Whom did you succeed?

Mr. RYAN. I succeeded a boy who was there. Mr. Hardin was supposed to oversee it, but that boy was put in there to oversee it.

The CHAIRMAN. Where are you from?

Mr. RYAN. I am from Rapid City, S. Dak.

The CHAIRMAN. You were transferred here?

Mr. RYAN. No; I was never in the service; I just took an examination.

The CHAIRMAN. When did you reach here?

Mr. RYAN. About the 27th. I think it was a Sunday morning. I went to work Tuesday morning.

The CHAIRMAN. Did you have any misunderstanding with the superintendent upon your arrival here or any controversy?

Mr. RYAN. Shortly after, I did.

The CHAIRMAN. Tell us about it.

Mr. RYAN. I went to work Tuesday morning. Thursday he came down and said I was not getting results from the cows. That was three days afterwards. I told him I did not think I had had a chance yet, as I had only been there three days. "Well," he said, "the cows are going dry." "Well," I said, "they were pretty dried up

when I came." He told me I would have to get better results, and he would give me four days to do it in.

The CHAIRMAN. How many did he detail to help you to take the milk?

Mr. RYAN. I was supposed to have five.

The CHAIRMAN. Did you have them?

Mr. RYAN. I had them at the start, but they kept dropping off. Some was put in the lockup, some ran away, some was drunk. I generally got down to about three.

The CHAIRMAN. Were the boys that were required to do the work under you—was that in the nature of discipline or punishment to them?

Mr. RYAN. It seemed to be in the nature of punishment.

The CHAIRMAN. It was not done, then, to instruct them or encourage them in dairying or anything of that sort?

Mr. RYAN. No. I heard the boys tell what they did to be punished. Some was drunk, and some ran away, and some would not work at the school.

The CHAIRMAN. How many cows have you in the dairy?

Mr. RYAN. We have 48 cows and one heifer.

The CHAIRMAN. What do you do with the milk?

Mr. RYAN. There is about 6 gallons or 10 gallons a day comes down to the school, whole milk; and we separate the other, save the cream, and send the skimmed milk down to the kitchen.

The CHAIRMAN. Is that milk that is obtained in the dairy used at the school?

Mr. RYAN. Yes, sir; as far as I know.

Senator LANE. How many cows do you milk?

Mr. RYAN. We are milking 32 now.

Senator LANE. How much milk do you get a day?

Mr. RYAN. We get about 40 gallons a day.

Senator LANE. Is that the average?

Mr. RYAN. Yes—no; that is not all the milk—that is the skimmed milk. We get about 50 to 55 gallons average, the milk I send to the school and the other milk, too.

Senator LANE. What kind of cows are you milking?

Mr. RYAN. All kinds mixed up. Some are Durhams, some Herefords, some Holsteins, and some Jerseys.

Representative CARTER. What kind of bull have you got?

Mr. RYAN. A little bull, a yearling.

Representative CARTER. What kind?

Mr. RYAN. A Holstein. We had an old Jersey bull before that, but they are a very poor class of cows. Some have two teats and some have three teats.

Senator LANE. Have you any garget among them?

Mr. RYAN. Yes. You mean that thick milk?

Senator LANE. Yes.

Mr. RYAN. Once in a while, some of it. I aim to get it out.

Senator LANE. What do you do with your calves?

Mr. RYAN. We butcher them or save some.

Senator LANE. How did you make out in the five days? Did the cows come up on the milk?

Mr. RYAN. No; our feed we had was very poor.

Senator LANE. What was it?

Mr. RYAN. It was oat straw, we had then, the oats cut when it was ripe. And we had some alfalfa. But they told us to feed that oats hay, and then the ensilage was very poor at that time.

Senator LANE. Did you chop your hay?

Mr. RYAN. No.

Senator LANE. What kind of barn have you got?

Mr. RYAN. A good barn.

Senator LANE. Good drainage?

Mr. RYAN. Yes.

Senator LANE. Have you any tuberculosis in the herd?

Mr. RYAN. Not that I know of.

Senator LANE. Have they ever been tested?

Mr. RYAN. Not since I have known them.

Senator LANE. Do you keep a record of your milk?

Mr. RYAN. Yes.

Senator LANE. Do you keep a separate record of each cow?

Mr. RYAN. We did, back awhile, but the boys got to tearing up the sheets. I had a lot of boys that I could not do anything with. I got discouraged, and I could not do anything with them.

Senator LANE. So you are not keeping a record now?

Mr. RYAN. Not of separate cows now.

Representative STEPHENS. Have you ever asked for better boys?

Mr. RYAN. Yes, sir; a good many times.

Representative STEPHENS. What do they tell you?

Mr. RYAN. They say, "All right; we will attend to it."

Representative STEPHENS. How do they attend to it?

Mr. RYAN. They send the same boy over again, or somebody worse, if anything.

Representative STEPHENS. You say the boys get drunk?

Mr. RYAN. Yes.

Representative STEPHENS. Have you any idea where they get the whisky?

Mr. RYAN. Some times right in the saloons.

Representative STEPHENS. Have you ever seen them go into the saloon yourself?

Mr. RYAN. No, sir; only what the boys tell me. One boy told me he went into a saloon.

Representative STEPHENS. When they work in your dairy do they work with the school uniform on or citizen's clothes?

Mr. RYAN. The school uniform part of the time. They wear white clothes when they milk.

Representative STEPHENS. Where do you make your butter?

Mr. RYAN. Right there in the milk house adjoining the barn.

Representative STEPHENS. What do you do with the butter you make?

Mr. RYAN. We send it to the school.

Representative STEPHENS. Who gets it in the school here?

Mr. RYAN. I deliver it to the quartermaster.

Representative STEPHENS. And the quartermaster then distributes it?

Mr. RYAN. Yes; they generally take it right to the kitchen.

Representative STEPHENS. How much land have you got to run these cows on?

Mr. RYAN. I do not have any land; I just run the cows, but I get the products from both farms. I get the corn fodder and the oats, and hay, etc.

Representative STEPHENS. Do they have any green meadow to run on?

Mr. RYAN. Regular pasturage? Yes.

Representative STEPHENS. How large?

Mr. RYAN. I judge about 10 or 12 acres, or something like that.

Representative CARTER. What is the meadow?

Mr. RYAN. It is a pasturage where wild grass grows; wild native grass.

Representative CARTER. Twelve acres is not enough of this native grass for 40 cows, is it?

Mr. RYAN. No.

TESTIMONY OF DR. EUGENE A. NOBLE.

The witness was duly sworn by the chairman.

The CHAIRMAN. Doctor, your name was handed me by Mr. Wetzel, with those of a number of other gentlemen. He informed me that you were familiar with some of the conditions prevailing in the Carlisle school and an intimate friend of the superintendent.

You are the president of Dickinson College?

Dr. NOBLE. Yes, sir.

The CHAIRMAN. How long have you been at the head of that institution, Doctor?

Dr. NOBLE. Three years.

The CHAIRMAN. Are you a native of Pennsylvania?

Dr. NOBLE. I am not.

The CHAIRMAN. What State are you from?

Dr. NOBLE. New York State.

The CHAIRMAN. Have you been connected with school work the greater part of your mature life?

Dr. NOBLE. Yes.

The CHAIRMAN. Where else have you been?

Dr. NOBLE. The Women's College of Baltimore, president of the Women's College of Baltimore.

The CHAIRMAN. You are acquainted with Supt. Friedman, are you?

Dr. NOBLE. Not in the way you represented a few moments ago.

The CHAIRMAN. Your name was handed to me, with those of three or four other parties on this list—Dr. Allen, and Mr. J. W. Henderson, and the Rev. Mr. Diffenderfer—by Mr. Wetzel, an attorney whom I chanced to meet this morning, who stated they would be glad to appear before the commission to make a statement, and we said we would be glad to have you come.

Dr. NOBLE. That is what I understand, and it is a voluntary statement on the part of these gentlemen who come. They have not been invited by the commission to come and offer testimony concerning certain specific things.

Representative CARTER. How does the commission know that you know those things?

Dr. NOBLE. I am not sure that I do.

Representative CARTER. Then why should we invite you?

Dr. NOBLE. It seems to me that if you are here to get information there may be certain collateral things it might be well for you to find out about, but I would not presume to come without the invitation of the committee.

The CHAIRMAN. You are invited to appear, Doctor; just consider that as final. We want any information you have that will throw any light upon the conditions in Carlisle College, if you desire to submit a statement of facts that are within your knowledge as to that. We want all the information that we can get that is germane, and I had no information from Mr. Wetzel as to any particular state of facts about which you had knowledge. I merely understood you were friendly to the institution—

Dr. NOBLE. That is correct.

The CHAIRMAN. And I also understood that you were a friend of Mr. Friedman, and that Mr. Friedman—at least that Mr. Wetzel thought that Mr. Friedman would be glad to have you here. We would be glad to hear any statement you may make. I do not know what your idea is. You say you were not informed you were invited by the commission. You were invited in that way, and you are invited, and we want all the information we can get.

Dr. NOBLE. Mr. Wetzel called me up and said there was no invitation from the commission. He thought it might be well for some of the men of the town to meet the commission and say what they thought about the Indian school. And, as one of the citizens of the town who by virtue of his position is regarded as perhaps contributing public sentiment, I am perfectly willing to come and make such a statement as I can about conditions at the Indian school. I have read no formal charges—

Senator LANE. Pardon me there. I don't think we understand one another's position. This commission was appointed by Congress to investigate Indian affairs throughout the country. It is a joint commission specially delegated for that purpose.

Dr. NOBLE. I did not know that.

Senator LANE. Now, as matters arise, where attention is directed to any particular institution, at the first opportunity that presents itself, at a few hours' notice, we make a trip and look into it. We did not know we were coming here until about an hour before we came. So we are here now to find out all we can, and if you have anything we want to get it from you. It is purely informal; at the same time it is official. You can understand perfectly well it would be very hard to send notice ahead under those circumstances.

Representative CARTER. We are here on official business, making an investigation of the school, and we are glad to get information from anybody that has information to give; but we have not any way in the world to know whether you have information or not unless you tell us.

The CHAIRMAN. Shall I interrogate you, or will you proceed to make a statement, Doctor?

Dr. NOBLE. You go ahead, and after you have asked me questions I may want to make a general statement.

The CHAIRMAN. What opportunities have you had of observing the conditions and the work that is being done at the Carlisle School?

Dr. NOBLE. I have been a frequent visitor here. The relations between the Indian school and Dickinson College have been intimate

since I came to Carlisle. Fundamentally those relations are athletic. There have been times when they were not cordial, but during the last three years they have been very cordial; and in order to show good will, I have been here frequently as a visitor.

The CHAIRMAN. How often do you think you have been here?

Dr. NOBLE. Oh, I should say—you mean in three years?

The CHAIRMAN. Yes, sir.

Dr. NOBLE. I should say from 15 to 30 times.

The CHAIRMAN. What has been the extent of your opportunities for observation, and what has, in fact, been your observation of conditions?

Dr. NOBLE. I have seen the school in their general assembly. I have seen the different departments of the work of the school. I have seen them in their dining hall. I have seen them in their social functions. I have seen them in their athletic contests. I think I have seen them rather generally.

The CHAIRMAN. What were the occasions of your visit? I mean, what prompted you to come?

Dr. NOBLE. The interest in athletic games, which is general, prompted that, of course. Then I have been asked over here to make addresses two or three times, and asked to participate in the commencement. I have come without invitation, voluntarily, in order to know the educational value of the work done at the Indian school. That has been, I think, the chief method of coming, excepting when I have come on some special occasion, like their commencement.

The CHAIRMAN. What conclusions have you reached with reference to the education value of the work done here?

Dr. NOBLE. Of course, it must be understood by you gentlemen that I am not looking at the work solely as a resident of Carlisle. I am trying to estimate the education value of this kind of work. It is right at hand. There is a general agitation concerning vocational training and that kind of thing, and I have been interested to see how it worked here. And I have come over and gone into their shops and seen what the boys were doing, and tried to get hold of the educational value of the kind of work they are doing here.

Now, as to my knowledge of it, I think it is mighty good work. I think it is very much better work than in other institutions which I have visited. There is a coordination between studies and practical work in shops that I do not find in other places. Of course, I do not regard conditions in any school as so ideal that they could not be improved, but I have approved in my own thought and in public speech the work of the Indian school as it is now being done.

The CHAIRMAN. That relates to what constitutes the vocational training, Doctor?

Dr. NOBLE. Take your printing shop here. It has seemed to me that perhaps that might be a test of the mental quality of these Indian boys, and I have been a good many times to see whether they could read manuscript, set type without too many blunders in spelling, how they could do press work, what their abilities as practical printers might be, but always with the thought that the printing was related to their educational training.

The CHAIRMAN. What number, approximately, have you observed that are securing this training in printing?

Dr. NOBLE. I should say there have been perhaps 15 to 20 in the place at the different times I was there; whether the same group of students, of course, I would not know. They might have been the same or different ones.

The CHAIRMAN. Have you visited other shops?

Dr. NOBLE. Yes. I have gone in the various other shops and seen what they were doing, but it has not seemed to me that the thing I was looking for was as clearly indicated as in the printing shop, but there has been an attitude of understanding and an air of diligence. I do not know the teachers personally, so that I can not call them by name, but it has seemed to me—of course, I am not discriminating now against any teacher. It has seemed to me that the quality of some of the school work I have observed was very inferior.

The CHAIRMAN. What do you mean by the school work?

Dr. NOBLE. I mean the ability of the teacher to teach.

The CHAIRMAN. How does that compare with the capacity of the pupil to grasp, as a rule?

Dr. NOBLE. Of course, that would raise a very big question. But it has seemed to me—sizing up teachers—as one does as a matter of business—that there was not quite as good a grade of teaching ability. I do not know the teachers personally, so that I could not say that the teacher of this is better and the teacher of that is inferior, but I have not been impressed with the ability of some of the teachers in their teaching work at the Carlisle School.

The CHAIRMAN. Are you in any way interested in agriculture or any of the kindred arts?

Dr. NOBLE. Yes.

The CHAIRMAN. What do you think about what has been done here to teach these boys those subjects?

Dr. NOBLE. I do not know enough about it to have a definite opinion. It is one of the things I have not investigated.

The CHAIRMAN. You know they have two farms here?

Dr. NOBLE. Yes; I have never visited them.

The CHAIRMAN. Have you observed the difference among the pupils?

Dr. NOBLE. Yes.

The CHAIRMAN. What do you think of that?

Dr. NOBLE. It seemed to me to be pretty good. Of course, I know school work well enough to understand there will be breaches of discipline, but as I have observed the school in its social functions, in its athletic contests, in its shop work, and schoolroom work, it has seemed to me to be pretty good.

The CHAIRMAN. Are you intimately enough acquainted with the conditions to know how the superintendent feels toward the pupils, and how they feel toward him, as a rule?

Dr. NOBLE. Well, in this particular: Every time I have heard him speak, either in personal relations or in public, it has seemed to me he had a rather high conception of his job. He has championed the Indian sometimes in a way I have thought was very enthusiastic.

The CHAIRMAN. Have you received any information of widespread hostility existing among the pupils toward him?

Dr. NOBLE. No; I knew nothing of it.

The CHAIRMAN. You do not know that on some occasions in public they had jeered and hissed him, and called him "Jew," and names of that sort?

Dr. NOBLE. I did not know until after your representative from the Indian Department was announced as having come to Carlisle. That would not be a basis for judgment with me. I think the senior class of La Fayette College last year walked out when President Warfield rose to speak; but I know President Warfield as a high-minded educator.

The CHAIRMAN. I am asking as a matter of fact. It would not be a matter of judgment with me to know who was censurable, but it would reflect upon the conditions as they actually exist here if throughout the student body there was a feeling that Mr. Friedman was not in sympathy with them and their work, and did not encourage them, and if on divers occasions he had called them "savages." These facts would disclose a state of feeling between the superintendent and the pupils.

Now, I can say to you, Doctor, that it has disclosed that for many months there has been a condition here bordering on insurrection among the pupils. It has manifested itself in acts and marks of discourtesy for the superintendent, and it presents a condition that must be taken notice of. We are trying to find out, and it is a matter of surprise to me that one who has as much interest in the institution as you have should not have known something about it.

Dr. NOBLE. I knew nothing until the investigator appeared.

Representative CARTER. How did you learn it after the investigator appeared, Doctor?

Dr. NOBLE. It was told me by one of the citizens of the town that such a thing had occurred, and he, as I recall, gave a special reason for it.

The CHAIRMAN. What was it?

Dr. NOBLE. That there was some friction in connection with the administration of the school.

The CHAIRMAN. You mean among the employees?

Dr. NOBLE. Yes.

The CHAIRMAN. Which had prompted or encouraged lax discipline?

Dr. NOBLE. So is my inference.

The CHAIRMAN. Can you give any more definite information than that?

Dr. NOBLE. No; I do not know the names of the employees here, excepting, perhaps, two or three. I know Mr. Warner quite well. Then I have heard the names—I know two others.

The CHAIRMAN. But in any event your information is not definite enough to go into that?

Dr. NOBLE. No.

The CHAIRMAN. When was your last visit to the school when you observed the work?

Dr. NOBLE. I was here sometime in December; it must have been toward the end of the month. I had a visitor from somewhere out of Carlisle, and I brought him over to see the Indian school, and Mr. Friedman was not here. So I felt as if I had some rights in the premises, and I walked around with this visitor.

The CHAIRMAN. Did you in that way inspect the quarters occupied by the students?

Dr. NOBLE. No, sir.

The CHAIRMAN. Have you ever been present while a meal was being served?

Dr. NOBLE. In the dining hall? Yes, sir; last fall.

The CHAIRMAN. Did you know that complaints are universal that an insufficient quantity of food, and especially of bread, is served, and that those complaints have been extended over a period of several months?

Dr. NOBLE. I had not heard of it; but I used to be the head of a boarding school years ago, and such complaints at certain times of the year were not infrequent.

The CHAIRMAN. From your experience, there is no reason why a schoolboy ought not to have all the bread he wants?

Dr. NOBLE. He ought to have all he needs.

The CHAIRMAN. There may be good reasons for depriving him of other things, but not bread. I can state to you, doctor, that it appears from the testimony of a very large number of witnesses—persons who have observed it, and pupils, and employees of the school—that that condition has extended over a very long period, and the complaint is so widespread and uniform among the pupils as to the insufficient quantity of bread that there has been no conflict whatever in the information that has come to us on that point, and we have been unable so far to ascertain why that sort of condition should have occurred.

Dr. NOBLE. Of course, that information would come from people more intimately related to the school than any of us on the outside.

The CHAIRMAN. Now, when you went around and made that—I will call it inspection, for want of a better term—what places did you visit?

Dr. NOBLE. We visited some of the rooms in the school building. We came over here and saw the gymnasium—this building. We went into some of the shops; I do not know that I could say just which shops. We looked around to see what the students were doing. I did take my friend, who was connected with an educational institution, into the printing department, and asked the gentleman in charge—his name, I think, is Smith—if he would explain to us just how the students did their work, and that was about the extent of our visit.

The CHAIRMAN. I want to ask you a question that is quite a general question, and I do not know whether you will feel like answering it or not. In your various visits here, and especially on the occasions that you were observing the pupils at work and study, how were you impressed with the general character of the pupils, and what was their conduct as a whole? Did you see evidences of disorder or disquiet?

Dr. NOBLE. No; I have never seen evidences of disorder. I have been rather favorably impressed with the behavior of the students as I have seen them, here and in town at night gatherings, or at church, or anything of that sort.

The CHAIRMAN. On the whole, you think the conduct of the students, so far as you have had an opportunity of observing it, has been commendable?

Dr. NOBLE. I have seen nothing objectionable, Senator.

Senator LANE. This being a school for the general education for the Indian, and in addition to fit him for vocational work in life, if some sort of standard can be set as to what ought to be obtained, everything being considered, there ought to be, then, a certain amount of result obtained in that direction?

Dr. NOBLE. There certainly should; but I believe that fundamentally it should be a matter of instruction. I think the results should relate fundamentally to instruction.

Senator LANE. He should receive the instruction?

Dr. NOBLE. He certainly should receive the instruction. Fundamentally it is a matter of instruction. I am going to say to your committee quite frankly that it seems to me there is a weakness here. I know the Indian is a peculiar educational subject, but it strikes me, as I look at the work of the school from my point of view, that there is a weakness here in the teaching of the Indian girls and boys.

Senator LANE. And in so far as it fails therein it lacks fulfilling the function it should fulfill?

Dr. NOBLE. Certainly; that is what our investment is for.

Senator LANE. Now, then, assuming that the Indian is to go out and become useful as a farmer, as a mechanic, as a printer, whatever it may be—let us take the dairy; that is a useful vocation, and it is profitable, too, in some parts of the country. We find, as a matter of fact, that the boys are not sent there to learn that part of it, but as a punishment, and regard themselves—

Dr. NOBLE. Will you just make that statement again? You mean that the dairy work is not a part of the curriculum?

Senator LANE. No, sir; they are sent there as a punishment, if you please, as a penalty, for getting drunk; punished, if you please. Consequently they come there dissatisfied, do not like it, and then tear up the milk records.

Dr. NOBLE. Why, gentlemen, that is surprising to me, because the chance for agricultural education—

Senator LANE. Now, Doctor, and to show that they did not expect that they ripped up the records of the dairy cows so that the milkman in charge is unable to keep the record of the milk product of his cows. That is not a proper spirit. They come, they go; no one stays there long enough to become proficient. As they become good workers they are removed and sent somewhere else. In the carpenter shop it is the same—

Dr. NOBLE. Carpentering is not a punishment?

Senator LANE. No; but the head carpenter tells me they are taken away from him.

Dr. NOBLE. Senator, a course that lasts a certain number of weeks—

Senator LANE. But no one ever finishes it.

Dr. NOBLE. But, gentlemen, at the commencement exercises there is always an ocular demonstration of the work that is done.

The CHAIRMAN. Have you read the catalogue, Doctor?

Dr. NOBLE. Yes.

Senator LANE. They inform me—I have been through the shops this morning and they did not know who I was. I asked, "Where is your finished workmen?" and they answered, "We have one or two, but they do not remain long enough." He said, "I could go out there and build their buildings for them." The tinner told me the same.

The blacksmith is in a similar condition, and the farmer told me that he can not get young men to work for him that are useful to work anywhere else. It is all down the line, apparently told in good faith. I went down into the cooking department, and I found for a ration, and I submit it for your consideration, 5 pounds of oatmeal mush for 100 students to eat; 5 pounds of oatmeal mixed with butter and dished out into 100 equal parts for 100 persons to use.

Dr. NOBLE. And nothing else?

Senator LANE. Oh, yes; and a half pound of tea, at 20 cents a pound wholesale, for 100 persons to drink.

Dr. NOBLE. I wonder if this is so. Have the superintendents of this school and other Indian schools the power to employ and dismiss incompetent people?

Senator LANE. Oh, yes; if there is a complaint; anything they can justify.

Dr. NOBLE. One of the things I was informed of within a few days was this, that there was no possibility of administration here because the superintendent——

Senator LANE. Because the superintendent did not have the power?

Dr. NOBLE. Unless he preferred charges that involved moral character. Is there anything in that?

The CHAIRMAN. We are looking into that.

Senator LANE. Here is an institution, with 600 or 700 children, and a farm of 300 or 400 acres, and we find as a matter of fact that it does not raise enough potatoes to eat—a thousand and some odd bushels for some 700 people. And they are raising wheat on the land. No man who does that can teach farming to anyone.

Dr. NOBLE. They do not teach farming, from what you say.

Senator LANE. They could not possibly, from that conception of farming. Doctor, I wish you would look into that.

The CHAIRMAN. Now, Doctor, at this school this vocational work is alleged to be taught, and yet when a building is to be constructed or painted, when brick are to be laid, not one dollar's worth of that work is done by the student labor; it is all done by outside labor. At some of the schools we have found it our duty to visit all of that work is done by student labor.

Dr. NOBLE. Gentlemen, you greatly surprise me. I thought most of this work being done here was being done by the students.

The CHAIRMAN. Our information is that none of it is done that way.

Dr. NOBLE. Have you asked why? Are they not competent?

The CHAIRMAN. We are trying to find out. People seem to assume it is done.

Dr. NOBLE. I assumed it was done.

The CHAIRMAN. Do you know anything about the moral conditions in this school? Have you looked into that?

Dr. NOBLE. Yes.

The CHAIRMAN. Do they meet with your approval on the whole?

Dr. NOBLE. I think if certain people leave the Indian boys and girls alone——

The CHAIRMAN. Do you know that a great many of the pupils are in the habit of getting drunk?

Dr. NOBLE. Not a great many.

The CHAIRMAN. How many?

Dr. NOBLE. I should think an insignificant number.

Representative CARTER. Do you know that some of them are in the guardhouse almost all the time for being drunk?

Dr. NOBLE. No.

Representative CARTER. Do you know that they are being arrested down in this city?

Dr. NOBLE. I have heard of two occasions. I heard that the liquor was furnished by a notoriously immoral person.

Representative CARTER. Has there been any attempt made to prosecute that person?

Dr. NOBLE. I think there has been.

Representative CARTER. What was the result of it?

Dr. NOBLE. I think the person was taken before the local court and got some kind of a sentence, and was out of town for a while.

Senator LANE. When we came in here yesterday, we found seven boys in the lockup—

Dr. NOBLE. Who has that in charge?

Senator LANE (continuing). For drinking and getting drunk.

Dr. NOBLE. Is there not a man here who is called the disciplinarian?

Senator LANE. Yes, sir.

The CHAIRMAN. And there is an assistant disciplinarian.

Dr. NOBLE. Of course we have to recongize, gentlemen, that there is a relation between all forces, good and bad, of the town and school; and some of the people, if they know that Indian boys have a little money, try to get it from them, and one of the cases that I heard of seemed to me just a scheme to hold the boys up for as much money as possible. That was over a year ago and it struck me as a rather sad reflection upon the lack of decency of certain persons of the town.

(An informal discussion which here followed, relating to the subject of moral conditions in the school, was not reported.)

TESTIMONY OF MR. FISKE GOODYEAR.

The witness was duly sworn by the chairman.

The CHAIRMAN. Mr. Goodyear, Congress has created a joint commission composed of members of the Senate and House to investigate into Indian affairs generally. In the course of our duties we have come to Carlisle to look into the conditions of the Carlisle Indian School. We are informed that you are a prominent citizen of the community, and if you have any information concerning it we would be glad to have such information as you can furnish.

Mr. GOODYEAR. I shall certainly be very glad.

The CHAIRMAN. By way of explanation you may tell us what your business is and how long you have lived in Carlisle.

Mr. GOODYEAR. I have lived all my life in Carlisle, and for the past 25 years have been engaged in the retail coal, lime, and sand business.

The CHAIRMAN. Are you in any way connected with the Indian school?

Mr. GOODYEAR. At one time, after my graduation from the high school in Carlisle, for a period of five years I was employed at Carlisle here.

The CHAIRMAN. Have you had an opportunity of observing the work done in the school and the conditions in the school recently?

Mr. GOODYEAR. I have been very familiar with the school ever since it was organized.

The CHAIRMAN. How often have you visited it within the last year or two, and what were the occasions of your visits?

Mr. GOODYEAR. Perhaps two or three times a year I have served as judge in the debates of the students, attended their athletic functions, their social functions in the gymnasium, and been generally intimate with the whole school all my life.

The CHAIRMAN. We will be very glad to have you give us your observations and conclusions as to the conditions prevailing at the school.

Mr. GOODYEAR. Part of the time or during the whole time?

The CHAIRMAN. You may take your own choice about that.

Mr. GOODYEAR. Briefly, under Gen. Pratt, at the time of my connection with the school, there was a different atmosphere than there is to-day, caused by Federal conditions. The first condition is that the class of students at the institution now is entirely different than that attending the school at that time. When the school was originated, and during a large part of Gen. Pratt's administration, the Indians came in their blankets, not speaking a word of English or familiar with civilized ways to any extent. Now, and for a number of years past, every boy and girl comes in civilized dress, speaking English, having attended schools somewhere else and familiar with civilized customs. So there has been a very radical change. I could make no comparison that would be fair, because the conditions of the three administrations have been so changed. Maj. Mercer's administration came between Gen. Pratt's and Mr. Friedman's, so there are three distinct phases I would be familiar with. If there is anything along other lines——

The CHAIRMAN. How does the discipline in the school at present compare with that of former administrations?

Mr. GOODYEAR. Gen. Pratt's?

The CHAIRMAN. Yes; or Mr. Mercer's, either.

Mr. GOODYEAR. Well, there are three stages in the discipline of the school, caused by the three reasons that I told you of. In the first place, the Indians arriving in Gen. Pratt's time were usually not familiar with English and with the customs of civilized whites. Therefore, they had no trouble in keeping them on the school grounds, and they were very obedient. I know that from my personal experience at that time. At the time of Maj. Mercer's arrival they had progressed beyond that stage considerably and athletics had advanced correspondingly. Under Gen. Pratt athletics had never attained their present prominence, due to the student's ignorance of athletics. Under Maj. Mercer they progressed very rapidly. That brought several influences into the school which tended to demoralize a certain amount of discipline, and more or less professionalism crept in at that time. This institution suffered along with the rest. The discipline commenced to break down about that time to a certain extent. Then Mr. Friedman came on the scene. He recognized the serious injury that was done to the school by the introduction of professionalism into school athletics and started to eradicate it. It was a most difficult problem to handle, and just how successful he has been in remedying it I do not know.

But the discipline, so far as concerns the conduct of the boys and girls, their deportment in their social functions and here in the gymnasium, their conduct in the schoolroom, their conduct and behavior before the public, in chapel, in the dining room, and around the grounds, at athletic events, and in their attendance at public events in Carlisle, has been beyond criticism every time. I never knew of a disturbance of any kind to be created.

The CHAIRMAN. Do you know the state of feeling existing between the pupils generally and the superintendent?

Mr. GOODYEAR. I do not.

The CHAIRMAN. You have no information as to any open and outrageous acts of discourtesy on their part toward him?

Mr. GOODYEAR. I know of none of my own personal knowledge. I have heard that there has been some feeling; just to what extent I do not know. I understood there was feeling, and I could readily see many instances; there is no use of my pleading ignorance. You know as well as I do, I have been familiar with these gentlemen all my life, or ever since they have been connected with Carlisle. I know Mr. Whitwell and Mr. Stauffer and all the employees. Just what the condition is between these gentlemen and Mr. Friedman I do not know.

The CHAIRMAN. I asked if you knew the state of feeling existing between the pupils and the superintendent generally; whether it is cordial or not?

Mr. GOODYEAR. No; it is not cordial as a whole; certainly not.

The CHAIRMAN. What do you think that is due to?

Mr. GOODYEAR. If I could answer that problem we would solve the problem. I think part of the feeling is certainly due to disloyal employees.

The CHAIRMAN. Is it a fact, then, that there is a feeling between the superintendent and many of the employees?

Mr. GOODYEAR. I would not say many, but I do know of my own personal knowledge that there is feeling among some of them. To what extent I do not know.

The CHAIRMAN. Do you know whether or not there is much drunkenness among the boys?

Mr. GOODYEAR. I know there is some drunkenness.

The CHAIRMAN. And has there always been?

Mr. GOODYEAR. There has been ever since the school has been instituted.

The CHAIRMAN. Did you ever give attention to the matter, as a friend of the school, as to how was the best way to remedy that?

Mr. GOODYEAR. I do not believe they could improve on the methods already followed out here to prevent the sale of liquor.

The CHAIRMAN. Well, that is not done. They appear on the grounds here drunk and in the buildings, and of course it is very demoralizing, and of course it is in violation of the rules and in violation of authority. One witness whom we examined thinks that a great many of the pupils who come here and afterwards engage in drinking had acquired the habit before coming, and that there ought to be more careful supervision exercised as to the admission of pupils who have the habit. That would seem very reasonable if it is true.

Mr. GOODYEAR. Yes, I think so.

The CHAIRMAN. Of course, it must be apparent to any one that a school where young ladies and young men study together must be greatly demoralized by having even occasional drunkenness among them.

Mr. GOODYEAR. Certainly. I think that idea is a very good one. There is no doubt that a great many of these boys and girls have been attending school under conditions where they have had a large amount of liberty, and they indulge in liberties that are not permitted here.

The CHAIRMAN. Are you in sympathy with the vocational educational feature of the institution?

Mr. GOODYEAR. It seems to me that if you wipe that out you might as well throw up the school.

The CHAIRMAN. Have you familiarized yourself with what is actually being done here in those regards?

Mr. GOODYEAR. I have to a limited extent.

The CHAIRMAN. Did you know that there is actually nothing being done toward teaching the students farming or kindred occupations and that there are practically no efforts being done?

Mr. GOODYEAR. Why, I think the outing system is the greatest educational factor any institution can have.

The CHAIRMAN. You think the outing system takes the place of vocational training?

Mr. GOODYEAR. I certainly do.

The CHAIRMAN. I referred when I asked that question to the work at the school. Did you know that there was actually no work of that character being done on the farms?

Mr. GOODYEAR. I knew the farms were being run, and I knew they had a truck patch out here of several acres where they raised the vegetables for the institution.

The CHAIRMAN. Do you think it would be practicable to take these farms and give instruction to quite a large number of these boys who may have to make a living by farming in the best method of producing crops and the best kind of crops to be produced?

Mr. GOODYEAR. I think it would be a very wise idea. I do not think that idea has been developed as far as it should be.

The CHAIRMAN. It would seem that the farms ought to be made to produce enough ordinary food products to supply this school. Practically nothing is being produced. Now in other vocational branches, take bricklaying and things of that sort that are supposed to be taught; it would seem that by this time there ought to be a corps of boys here who could construct buildings; that is, do the actual work—

Mr. GOODYEAR. I understand they do. The cement work has largely been done by the boys. Their repair work—

The CHAIRMAN. My information is that most of that work is paid for.

Mr. GOODYEAR. Not to my knowledge. They have a man here, Mr. Lamason—

The CHAIRMAN. They have two farmers here and a dairyman, all teaching farming and dairying, and yet it appears that the boys are sent to the farm as a kind of penalty; that is, when they get bad they make them go to work on the farm.

Mr. GOODYEAR. Really, I do not think that is always correct. You know this, that any boy will look upon being sent to the farm as punishment. I was born on the farm, and when my father wanted to

punish me he would send me to the garden to hoe weeds; that is, not always as a punishment.

The CHAIRMAN. Do you know whether or not that is the system?

Mr. GOODYEAR. I do not; I know that under Gen. Pratt that was not the system. A certain number of boys had to be detailed for that work. They made out a schedule so that a certain number of boys would get there at one time, and they were relieved.

The CHAIRMAN. As a matter of fact, the detail for the farm work ought to include quite a number of boys. If it appeared that quite a number of boys were apparently detailed all the time, but that the detail was limited to a very small number of different boys, that system would not be calculated to accomplish anything so far as training in agriculture was concerned?

Mr. GOODYEAR. No, sir.

The CHAIRMAN. The athletic work of the school seems to be up to a high standard?

Mr. GOODYEAR. It was not for several years.

The CHAIRMAN. It has rather overshadowed the academic work, has it not?

Mr. GOODYEAR. I might say there, gentlemen—and I am really and truly actuated by the best interests of this institution; we like Carlisle; we admire the institution; we do not want any harmful thing to be done against the school that is not fair. We want everything to come out that is true and every criticism the school deserves we want made, but we do not want any criticisms made that it does not deserve.

The CHAIRMAN. That follows as a matter of course. That is all outside the record, because nobody would want to make any unjust criticism of any public institution.

Mr. GOODYEAR. No, but some people will. What was your question?

The CHAIRMAN. I asked if the athletic feature of the school had not overshadowed the academic?

Mr. GOODYEAR. No; and I want to say in justice to Mr. Friedman that Maj. Mercer made greater efforts to round up athletes than any superintendent ever at Carlisle.

Representative CARTER. Did he have an athletic association?

Mr. GOODYEAR. No, he had not. He had no athletic association, but he made a great effort to round up competent athletes, just like the other colleges were doing at that time. He went after them and got them here, and thus the new and undesirable element that I referred to awhile ago entered Carlisle.

Mr. FRIEDMAN. when he came to Carlisle, saw that situation and knew that he had to do something with that element. Under Maj. Mercer's administration he made special rules for those boys as to living in the athletic quarters. They did not have to observe the ordinary laws of the school; they went to town when they pleased. Mr. Friedman saw that that was demoralizing the entire outfit of boys, because the large boys said, "If these boys in the athletic quarters do those things we can do them." And he started to weed that element out. In addition to that he realized it was not a fair way to handle the athletic fund and he organized an athletic association. He also established eligibility rules, so that a boy when he plays four years on the first team is not eligible to play any longer.

Under the other administrations there were no eligibility rules and the boys played just as long as they wanted to.

Representative STEPHENS. Are you aware of the fact that they used to have a farming department here where they had a regular teacher of agriculture, and that that has been dropped within the last three or four years?

Mr. GOODYEAR. To the best of my recollection that has been dropped.

Representative STEPHENS. Are you aware, also, that the harness shop that they used to run here in Gen. Pratt's time has also been dropped?

Mr. GOODYEAR. Yes; for the reason they had no place to dispose of the harness.

Representative STEPHENS. Have you also been informed that the Indian art department has been abolished—basket making and blending the Indians' art with the art we have at the present time?

Mr. GOODYEAR. I understand that certain features of it have been dropped. Painting and certain features of it have been retained, I believe, under Mrs. De Corah and Mr. Dietz.

Representative STEPHENS. Are you aware that telegraphy is no longer taught here, or photography?

Mr. GOODYEAR. No.

Representative STEPHENS. And horticulture is not taught here at all?

Mr. GOODYEAR. No; I did not know that.

Representative STEPHENS. Do you know of any reason why they should not teach horticulture?

Mr. GOODYEAR. No; I think it ought to be taught.

Representative STEPHENS. And do you know of any reason why they should not raise potatoes enough here to supply the school, and garden vegetables of all kinds?

Mr. GOODYEAR. I know of no reason at all why they should not be.

Representative STEPHENS. Have you ever been present in the dining room at any time when meals were being served?

Mr. GOODYEAR. I have been: yes.

Representative STEPHENS. Do you know whether there is any complaint of not getting enough to eat?

Mr. GOODYEAR. No.

Representative STEPHENS. And especially bread?

Mr. GOODYEAR. I have not heard a complaint.

Representative STEPHENS. There is a bakery shop here?

Mr. GOODYEAR. Yes, sir.

Representative STEPHENS. Is there any reason why there should not be sufficient bread?

Mr. GOODYEAR. Only lack of efficient management.

TESTIMONY OF REV. GEORGE M. DIFFENDERFER.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are a minister, are you?

Mr. DIFFENDERFER. Yes, sir; a clergyman of the Lutheran Church.

The CHAIRMAN. How long have you been stationed at Carlisle?

Mr. DIFFENDERFER. Fourteen years.

The CHAIRMAN. Are you interested in the Carlisle Indian School?

Mr. DIFFENDERFER. Yes, sir; I have been ever since I came here.

The CHAIRMAN. Have you any official connection with it?

Mr. DIFFENDERFER. I can hardly call it official connection. I was chaplain of the school under Gen. Clapp and Maj. Mercer, and part of the time under Mr. Friedman.

The CHAIRMAN. Were you a salaried officer?

Mr. DIFFENDERFER. Well, now, yes and no, I will have to answer that. I was selected by Gen. Pratt to take charge of the afternoon service on Sunday afternoon, and for three years we had all the children, both the Protestant and the Roman Catholic children, and then we divided them, letting the Roman Catholic children hold the service in this room with the priest, and we had the Protestant children entirely and the nonchurch-going children at the afternoon service in the chapel, for which I was paid \$5 a Sunday out of the athletic funds of the school.

The CHAIRMAN. Do you know how they came to charge you out of the athletic fund?

Mr. DIFFENDERFER. I do not know how it was.

The CHAIRMAN. In any event, that was the arrangement?

Mr. DIFFENDERFER. Yes; the checks that I got came through Mr. Miller, who had charge of the athletic funds.

The CHAIRMAN. How long has it been since you performed services in the nature of those?

Mr. DIFFENDERFER. For 10 years I did that. Just three years ago, owing to other duties which I had taken on, I asked Mr. Friedman to relieve me from that work, and since that time we have been taking our turns; that is, the Protestant ministers in the town and the Roman Catholic priests.

The CHAIRMAN. Do all of them serve?

Mr. DIFFENDERFER. Ten of them, I think.

The CHAIRMAN. And each one of them gets \$5 an afternoon?

Mr. DIFFENDERFER. Yes, sir. I want to say furthermore, if you will pardon me, that during these 10 years I edited the first page of the weekly paper for them. I wrote the little articles on success, and progress, and interests of the students, etc., and little excerpts of that kind. And I have likewise edited the catalogue for the school up until Mr. Friedman came. I have not done that since his time.

The CHAIRMAN. Now, Mr. Diffenderfer, we would be very glad to have you make any statement that you think you should make, from your observation of the Carlisle School and your views regarding the work that it is doing.

Mr. DIFFENDERFER. May I say further that 12 years ago, when Gen. Pratt had charge of the school, I was sent by Gen. Pratt into the northwest to visit a number of reservations and Indian schools, the chief object being to make a report on what became of the children who had been educated here, and at the same time secured students for the school, and I have visited several reservations in the northwest, so that I know something first hand of Indian life.

The CHAIRMAN. How long did you stay on each reservation?

Mr. DIFFENDERFER. Well, sometimes for a week; sometimes for only a few days.

Representative CARTER. How long were you on the trip?

Mr. DIFFENDERFER. I was gone about eight weeks; a little over eight weeks, I think. I started at Vermilion Lake, and went on to

White Earth and Fort Belknap, and then on to the Colville Reservation, and back to Fort Berthold.

Representative CARTER. Is that the only opportunity you have had, Doctor, to observe the Indian?

Mr. DIFFENDERFER. The Indian on the reservation; yes; except passing through sections where they were.

The CHAIRMAN. I will ask you to make a statement of the result of your observation of the Carlisle School, giving any suggestions you have to offer for its advancement or improvement.

Mr. DIFFENDERFER. Well, I have been in touch with the work here rather intimately for all these 14 years, and of course have had an opportunity to observe conditions. Now, I feel that the progress of the school has been marked since Mr. Friedman has taken charge here.

Representative CARTER. You mean you think the school has improved?

Mr. DIFFENDERFER. It has improved; I mean in this sense, that there was no coordination between the educational system and the industrial system when Mr. Friedman came here. Gen. Pratt and I talked somewhat about those matters, and Maj. Mercer and I talked about them; and in editing the catalogue one year we tried to get the one to coordinate with the other, so that, for instance, mechanical drawing would help the young man in the shop and the teaching part of the agricultural feature would help the young man on the farm.

Representative CARTER. Have they any agricultural department here now?

Mr. DIFFENDERFER. I do not think there is an agricultural teacher here now. I do not think there has been the last year. There was an agricultural teacher here until about a year or so ago.

Representative CARTER. Do you think the stopping of that has improved the school?

Mr. DIFFENDERFER. No; I would say it has not. I would think that the coordination of that education is an essential, and if they do not have the preliminary training through the agriculture teacher they will not have the benefit of that on the farm. I would say that that is not the best thing for the school. What I mean to say is that the general plan of work as Mr. Friedman worked it out and as I knew it, because I went over it with him at different times—that he had the system pretty well worked out.

Representative CARTER. The harness-making department has been stopped?

Mr. DIFFENDERFER. Yes, sir; it was stopped about two years ago.

Representative CARTER. And telegraphy has been stopped?

Mr. DIFFENDERFER. I did not know that that had been stopped. I had not been in that room for the last six months.

Representative CARTER. And photography, did you know that had been?

Mr. DIFFENDERFER. Yes.

Representative CARTER. And Indian art?

Mr. DIFFENDERFER. Indian art; yes; that is, so far as the studio was concerned. Indian art in the other department is surely going on, is it not, under Mr. Dietz?

Representative CARTER. No; Mr. Dietz teaches painting. What do you know, Doctor, about the discipline of the school now?

MR. DIFFENDERFER. Well, I have observed in recent years that the material that is coming here in the student body has not been perhaps of the same type that we had been getting before—that is, more of that element has come in that seemed to be crude; that did not have very much painting in other schools before they came here. Of course, I realize that discipline in a school of this kind is a peculiar problem. I happened to be interested in several other institutions, and I know we have to deal with the same problems, and I know we do not have the same elements in the child or the pupil that we have here at this school.

Now, the efficiency of discipline, as I understand it, depends very largely on your help. I have noticed the frequent changes of assistants in this school in the last 14 years has always broken up the discipline. Since Mr. Friedman has come here a very strenuous effort has been made to break up the bootlegging.

Representative CARTER. Have they had any success at all?

MR. DIFFENDERFER. Yes; they have broken it up.

Representative CARTER. How many have they sent to the penitentiary?

MR. DIFFENDERFER. I know of two cases.

Representative CARTER. Where they have gone to the penitentiary.

MR. DIFFENDERFER. Yes; one of a woman and one of a man.

Representative CARTER. Convicted here in Carlisle?

MR. DIFFENDERFER. No; convicted in the Federal court in Sunbury.

Representative CARTER. And they are now in the penitentiary?

MR. DIFFENDERFER. I do not know what the sentences were.

Representative CARTER. How long ago was that?

MR. DIFFENDERFER. I suppose two years now.

Representative CARTER. Have there been any convictions since then?

MR. DIFFENDERFER. I do not know that there have.

Representative CARTER. What do you know of efforts to convict them since then?

MR. DIFFENDERFER. I know they have fought hard to convict them. I know there is a colored lady in this town, Mrs. Charlotte Strang—she was convicted and sentenced within a year. There also was a man here from the State of Washington convicted in our local court, and I did interest myself in his behalf, because the fellow was a stranger here, although his family were here; and after he was sentenced by the judge to pay a fine and he held the sentence of imprisonment over him, I went before the judge and asked him to let him off on the imprisonment provided he would go back to Portland, Oreg., immediately.

Representative CARTER. Has drunkenness increased or decreased in the school?

MR. DIFFENDERFER. Now, I would say that drunkenness has increased the last few years, at least so far as it is visible. I preached for these children a week ago last Sunday, and I told them what I had seen the night before—two Indian boys, intoxicated, coming into the place of business where I was sitting, about half past 9 o'clock.

Representative CARTER. That seems to be rather a common thing, does it not?

Mr. DIFFENDERFER. It is more common than it used to be, notwithstanding the fact that Mr. Friedman has put forth efforts to stamp it out.

Representative CARTER. What do you attribute that to, Doctor?

Mr. DIFFENDERFER. I attribute that to the fact that the discipline under the present régime is not carried on the way it should be and the way it has been before. I was one who opposed bitterly the taking up of the military discipline here, as Mr. Friedman knows. I told him so time and again.

Now, the inefficient character of the discipline—I have had girls living in my house as servants, and I had the best service I ever had from this school, but I had the fight of my life with the boys coming to the house. I knew the rules of the institution and lived up to them, and so did my wife, and we took the Indian girl with us every time we went away, and yet the laxity of the discipline on the part of the disciplinarian allowed some of the boys to come to town on off hours, which was contrary to the rule. And it was just by the skin of our teeth that we escaped trouble.

Representative CARTER. Between the boy and the girl?

Mr. DIFFENDERFER. Between the boy and the girl.

Representative CARTER. Do you know anything about the standard of morality of the school, Doctor?

Mr. DIFFENDERFER. I know no more than what comes through hearsay, very largely. I did help several persons during Maj. Mercer's incumbency. He had a case of immorality here, and the young people confessed, and I married them and sent them away.

Representative CARTER. Do you know of any cases of girls becoming immoral during Mr. Friedman's administration?

Mr. DIFFENDERFER. No.

Representative CARTER. What would you think if we told you there were 32—

The CHAIRMAN. Thirty-two girls expelled for immorality.

Mr. DIFFENDERFER. I would think that was a very large percentage. This girl that I spoke of, that was under Maj. Mercer's administration.

Representative CARTER. I was speaking of Mr. Friedman's administration.

Mr. DIFFENDERFER. I know nothing about anything of that sort in Mr. Friedman's administration at all.

Representative CARTER. You do not know anything about any complaints that are made with relation to the food that is served to the children?

Mr. DIFFENDERFER. I have never heard of any complaint, and I have been in the dining room hundreds of times when meals were served, and I have never seen anything but plenty.

Representative CARTER. Has it ever come to your observation that the children did not get enough bread, and that they made considerable trouble about not getting enough food to eat?

Mr. DIFFENDERFER. No; I have never heard of that, and I never saw it in the supplies, because I have been through the supply house.

Representative CARTER. I am talking about the amount furnished to the pupils.

Mr. DIFFENDERFER. I have been through the supply house, and the supply is there.

Representative CARTER. I know that is a common complaint in a boarding school, but this has become very general and persistent.

Mr. DIFFENDERFER. I have never heard any complaint about the food here, not in the 14 years I have been here.

TESTIMONY OF DR. A. R. ALLEN.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are a physician?

Dr. ALLEN. Yes, sir.

The CHAIRMAN. Are you the school physician? Or have they another one?

Dr. ALLEN. I use to be. They have had a substitute here since the 1st of January.

The CHAIRMAN. Who is he?

Dr. ALLEN. I think his name is Rendtorff.

The CHAIRMAN. Were you the physician until he came here?

Dr. ALLEN. Yes; from the time Dr. Shoemaker left in 1910.

The CHAIRMAN. I presume then you are familiar in greater or less degree with the health conditions that prevailed in the Carlisle School up until that time?

Dr. ALLEN. Yes, sir.

The CHAIRMAN. How often were you called to visit the school?

Dr. ALLEN. I visited it every day, except Sunday, except once that I was on the sick list and once I had an accident, but during that that time I visited every day in the week, unless I happened to go away to the State medical society or something of that kind.

The CHAIRMAN. What hospital facilities is the school provided with?

Dr. ALLEN. At the present time the hospital facilities of this school, I suppose, are better than the hospital of any school in the service.

The CHAIRMAN. What is its capacity and equipment?

Dr. ALLEN. There are 40 or 50 beds, including the beds on the balconies and in the two or three private rooms. That is the bed capacity. There are two bathrooms and toilet rooms for the use of the girls' ward upstairs, and there are two additional toilets in the front part of the building for the use of private rooms. For each ward downstairs there is a bathroom and toilet, and the nurse, I think, has her private toilet and bathroom, as does the matron.

Now, in addition to that, when I came to the school they had an operating room about 8 by 10 feet, with very small lights, and a central light. When Dr. Shoemaker was here I was called out to perform an operation on a pus case for appendicitis. I said to Dr. Shoemaker, if you will pardon me the expression, "It is a devil of a place for a man to operate." There was always a great deal of dust around, and it was liable to get into the opening, and it was dangerous. I performed the operation, however, and the man got well. After I got out I went to Mr. Friedman, and I said, "This is the worst proposition I ever saw; it is a disgrace to the school. You have an X-ray apparatus downstairs, and this room is readily darkened. Will you allow me to make some changes?" He gave his consent, and I took the sitting room and fitted that up as an operating room, and I changed that operating room into an X-ray room, which he allowed me to do.

I also found quite a number of cases of appendix trouble developed, and the nurse refused to run the cold sterilizer they had here. It was run by gasoline, and she was afraid to run it. I said it was a risky thing. I said, "Make a requisition and see whether the office will give you a new sterilizer, and give you some new instruments, etc." So we did it, and they have a very good operating room and X-ray room there at the present time.

Incidentally, in addition to that, there was quite a good deal of trouble with the boys coming in there to the hospital, making excuses to come to the dispensary. Of course, you know what that means. The boys and girls would make an arrangement to both get there at the same time to meet each other. We talked that over, and eventually came to the conclusion that there should be a dispensary for the girls' quarters and one for the boys' quarters. Those are the hospital facilities, in a general way. I want to say that they are thoroughly equipped.

The CHAIRMAN. What are the principal diseases that affected these children during your administration?

Dr. ALLEN. Quite a number of cases of trachoma, which I did not know any more about than the man in the moon when I first came out here, but I very soon got on to it.

The CHAIRMAN. Did you stamp that out pretty well?

Dr. ALLEN. We got it under control. I said to Mr. Friedman, "I don't know anything about the pupils' eyes. I would like to have somebody come out here and size the thing up." So they got a man from town, and he said it was either tubercular or syphilitic; but that did not strike me as being plausible, because I could not find any indications of tuberculosis or syphilis. I sent some of them to the city, and they were fitted with glasses and sent back. Finally Dr. White came around and found we had a very great amount of trachoma.

The CHAIRMAN. What proportion?

Dr. ALLEN. Some 70 to 75 per cent of them had it in one of its phases.

Representative CARTER. When was that, Doctor?

Dr. ALLEN. In 1910, when they made that trachoma investigation.

The CHAIRMAN. Then, how did you handle it after that?

Dr. ALLEN. We followed the directions of Dr. White—had daily treatments; washed them out; scrubbed them out; sandpapered them—

The CHAIRMAN. When you finished what proportion or percentage of the pupils had it?

Dr. ALLEN. Well, I ought to say this to you. You gentlemen know that when you have had trachoma once you never get rid of it; but the eyes of the students here are in much better condition than they were before.

The CHAIRMAN. You do not think there are approximately 70 per cent of the pupils now affected with trachoma?

Dr. ALLEN. No, I do not say that; but I want to say to you that when I was here as a visiting physician those cases were treated in the dispensary, and I did not visit them. I could not tell you, but I do not think that there is that much here at the present time.

The CHAIRMAN. Do you find much tuberculosis among the pupils?

Dr. ALLEN. Quite a number of cases have been sent in from the West. Very little tuberculosis develops here in the school, but the majority of cases of tuberculosis in my connection with the school were tubercular when admitted.

The CHAIRMAN. That is, they had it before they came here?

Dr. ALLEN. They had it when they came.

The CHAIRMAN. Do you know whether or not a survey of the school was ever made to determine how many of the pupils were tubercular?

Dr. ALLEN. Yes.

The CHAIRMAN. What was the result?

Dr. ALLEN. There was an investigation—a close investigation—made by the Marine Hospital Service—the Public Health Service. The gentleman was here during my administration, and he found about six marked cases which I already knew of, and several incipient cases which I already knew of. At the same time I had had two or three admitted to the sanitarium for treatment. There is not a large number of tubercular cases. Then we kept tab on them by daily weights. At the same time, after I came here, I found in the outing system that there was no method of keeping tab on the outing students, and I got up a form and had them give a bimonthly report in regard especially to their eyes, weight, and cough, so I could keep in touch with them.

The CHAIRMAN. What was your salary while you were school physician?

Dr. ALLEN. I did not come out here for the salary, my dear sir.

The CHAIRMAN. What did they pay you?

Dr. ALLEN. \$60 a month.

The CHAIRMAN. It was inadequate. Do you know what the present physician gets?

Dr. ALLEN. \$1,400. I came here because I liked the work.

The CHAIRMAN. And you could do it in conjunction with your regular work?

Dr. ALLEN. Yes; with the resident physician who was on the ground I could do that. I want to make this statement: I have been here quite a number of years, and when I came here I found quite a number of cases of tubercular glands. Through my personal friendship with Dr. John B. Deever I started the use of tubercular injections of glands. If you gentlemen just keep your eyes open as you walk around the grounds you will find very few of them on the grounds. I reported that before the State Medical Society a few years ago, and my report has been abstracted in the medical journals.

I want to say to you that my associations here in the school, so far as Mr. Friedman is concerned, were such that he seemed to—and did every time I wanted anything to better the health of the pupils of this school—come to time as well as he could, when he could get the consent of the Indian Office to do so.

The CHAIRMAN. It was at your suggestion that the hospital was fitted up?

Dr. ALLEN. The hospital is better equipped to-day than our hospital at Carlisle. It is equipped to do general and special work, abdominal work, and work on tonsils and adenoids. There are quite a number of adenoid and tonsil cases here, giving the children trouble. Taking them to the city made quite a good deal of trouble. Through my association with physicians in the city they were operated on

without cost, except for the car fare, but it was quite an expense to the school, and I said to Mr. Friedman—I believe Mr. Abbott was here—I said, “If I had a few instruments I could relieve the school of this expense.” Mr. Abbott said, “If you will send in a requisition I will let you have them,” and I have been operating on the adenoid and tonsils since that time.

The CHAIRMAN. Have you any particular facts that you want to communicate to the commission?

Dr. ALLEN. I have been connected with this school three years and a half. I do not want you to understand that I am knocking the civil service, but the man who occupies the position of superintendent of a school of this kind and has not the choosing of his employees, and has thrust upon him a lot of incompetent men who will refuse to do their work, or to do it properly—he is going to have trouble all the time he is here.

The CHAIRMAN. In that connection, do you know the state of feeling between the superintendent and the employees?

Dr. ALLEN. There is this about it—and I was very closely associated with Mr. Friedman—I am glad to say to you that he and I were very good friends here. I suppose I was in the office three times a week to talk over the situation as to the general health of the pupils of the school, and I have always found—sitting in there and listening as the other wants came in—that there was always more or less incompetency connected with this school for which he had to be responsible.

The CHAIRMAN. Can you be a little more specific about that?

Dr. ALLEN. I am going to report one instance.

The CHAIRMAN. The only purpose we have in asking these questions is, of course, to get at the facts.

Dr. ALLEN. It was a case that affected the health of the school. They got a new dairyman here a short time ago. I think the Agricultural Department sent a man down here to investigate, and he made his report as Mr. Friedman submitted it. A short time ago, probably about two or three months before I left the school, there were a number of cases of indeterminate forms of fever which I would classify, without microscopical analysis, as a variant of typhoid. I went around and investigated conditions around the buildings, and I found no cause for it. Finally I got into my car and drove down to the dairy, and I took the resident physician along. I went in. I do not think I ever saw a filthier place in my life. It was absolutely covered with filth. You could not walk through the dairy without getting your shoes soiled. I went into the milk-house and found it filthy. I found the cans exposed to all the dust and dirt blowing across the field. And I simply ripped him up the back good and proper. I told him I thought it was absolutely contemptible, the condition of his cattle, the condition of the stable, and the condition the milk must naturally be in. I came up to the school—I always had some pupils on the milk treatment, and I took them off, and I wrote a report to Mr. Friedman and submitted it to him.

The CHAIRMAN. I suppose your attention was attracted to that by reason of its relation to the question of health?

Dr. ALLEN. Yes. I was raised on a farm, and even in the old days of 35 and 40 years ago our stable never looked as dirty as that, and this is a nice concrete stable. And he is still down there. He is responsible for a man of that kind.

Representative CARTER. What action did Dr. Friedman take?

Dr. ALLEN. He sent it to Washington, as he had to send the agricultural report to Washington.

Representative CARTER. What occurred then?

Dr. ALLEN. I do not know, sir. Nothing has been done about it. That man is still there.

It is awfully hard for a man to be responsible for an incompetent employee, and it is mighty hard for a doctor to keep patients well in an institution where he gets infected milk.

Is there anything else you gentlemen would like to ask?

Representative CARTER. Doctor, do you know anything about the general feeling of the students toward Mr. Friedman and Mr. Friedman's feeling toward them?

Dr. ALLEN. I do not know that I know the feeling of the students toward Mr. Friedman, because in the position I have been in I have never sounded the position of the subordinate against the superintendent; but I do know Mr. Friedman's position to the students, so far as he has personally expressed it to me, as in our talks in the office, has always been of the very best and kindest.

Representative CARTER. Have you ever heard of any general insubordination in the school?

Dr. ALLEN. No; I have not.

Representative CARTER. Have you ever heard of any drunkenness among them?

Dr. ALLEN. There is drunkenness among the students in the institution, and has been ever since this school has been established.

Representative CARTER. Has that increased or decreased?

Dr. ALLEN. Decreased.

Representative CARTER. You are sure of that, are you?

Dr. ALLEN. Absolutely sure; because I am informed—

Representative CARTER. How many boys are there in the guard-house now for drunkenness?

Dr. ALLEN. Why, I do not know.

Representative CARTER. How many in the city jail?

Dr. ALLEN. I do not know.

Representative CARTER. How do you know it is decreasing?

Dr. ALLEN. I do not see so much of it on the streets. I am only speaking from observation.

Representative CARTER. Do you know anything about the morality of the students?

Dr. ALLEN. Nothing, except what has come under my personal observation at the hospital. There have been two or three girls pregnant. It did not occur at the school. One of them came from the reservation pregnant, one from the outing system, and, I think, another one. I understood during my administration over at the hospital there were a couple of cases where a girl slid down into the basement during the night and met a boy. What the girl's name was or what the boy's name was I do not know.

Representative CARTER. What would you think if we told you there were 32 cases of immorality since Mr. Friedman has been here?

Dr. ALLEN. Not nearly as many as when Gen. Clapp was here.

Representative CARTER. Does that afford a reason for it?

Dr. ALLEN. There is a reason, to my mind.

Representative CARTER. We should be glad to know it.

Dr. ALLEN. I am not speaking against the race as a whole, but you take the Indian boy and girl that come from the reservation, not thoroughly covered over with the veneer of civilization, with nothing to restrain their passions, and bring them under the environment of civilization, and you are going to have those things occur regardless of who is superintendent, disciplinarian, or matron.

Representative CARTER. What opportunity have you had to observe the Indian in his native state?

Dr. ALLEN. I was out on the plains in 1883, in and about the Rosebud Agency. I was a cow-puncher for a while.

Representative CARTER. How long did you stay there?

Dr. ALLEN. I was there a year.

Representative CARTER. Your opportunity, then, to observe the morals of Indians has not been great?

Dr. ALLEN. Except here at this school.

Representative CARTER. I have had abundant opportunity to observe them, and I do not think that in the civilized world they have an equal as to morals.

Dr. ALLEN. That may be true.

Representative CARTER. I understand there was a petition circulated saying that everything was all right at Carlisle, or words to that effect—

Dr. ALLEN. I helped get that petition up, Mr. Carter.

Representative CARTER. And that no investigation was needed.

Dr. ALLEN. I do not know that it said that.

Representative CARTER. And censuring one of the Congressmen for an investigation being ordered.

Dr. ALLEN. I do wish you would come into my office just about 10 minutes before you go away.

Representative CARTER. There is nothing to prevent you from saying anything here.

Dr. ALLEN. There are some things connected with that that I would undertake—

Representative CARTER. Let me ask you a question: Do you think an institution where 32 girls have been ruined during the space of time that Mr. Friedman has been here is all right?

Dr. ALLEN. I do not think you could put a superintendent in this school, Mr. Carter—

Representative CARTER. You could answer that question yes or no.

Dr. ALLEN. I am going to answer my way. I do not think you could put a superintendent in this coeducational school and surround him with the subordinates he has, with the same subordinates, that the same thing would not occur.

Representative CARTER. Do you think, then, that these 32 cases of immorality is just about the average?

Dr. ALLEN. No; I do not say so.

Representative CARTER. I understood that from your statement.

Dr. ALLEN. I said this, if you will pardon me. I said that if you put any other superintendent here and the same kind of subordinates under him the same thing would occur.

Representative CARTER. Well, under such conditions, then, that would be just about the average?

Dr. ALLEN. If he had subordinates that were not doing their duty.

Representative CARTER. Do you think the subordinates are not doing their duty?

Dr. ALLEN. I do not think so; no, sir.

Representative CARTER. Can you give us their names?

Dr. ALLEN. I have given you one instance.

Representative CARTER. One man could not cause all this.

Dr. ALLEN. I am giving you something that I know positively, because it came under my own observation. I can not say to you that Mr. McKeen is not a good disciplinarian and that he does not do his duty, because I have no means of knowing it, nor can I say that Mr. Whitwell is not a good teacher, because I do not know how he teaches. You are asking me——

Representative CARTER. Certainly; I am asking you for facts.

Dr. ALLEN. That is right, and I am giving you the one absolute fact that I have come in contact with.

Representative CARTER. You say it is a fact that there is a large amount of incompetency among the subordinates, do you?

Dr. ALLEN. I believe so; I can not put my finger on it. I have put my finger on one case.

TESTIMONY OF MR. J. W. HENDERSON.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your business, Mr. Henderson?

Mr. HENDERSON. I am an attorney, a member of the bar of Cumberland County.

The CHAIRMAN. This is a commission of Members of Congress, looking into conditions at Carlisle. If you have any definite information as to the conditions, we would be glad to have you state it and do it as briefly as you can.

Mr. HENDERSON. I do not know exactly what you mean by definite information, sir.

The CHAIRMAN. Do you know the condition of affairs in the school?

Mr. HENDERSON. I would be glad to state my knowledge of the school as a neighbor. I resided just west of the school, my property abutting on the school property. I am also, I might say here, one of the owners of the real estate known as the "Meadows," which I lease to the Government and upon which the entrance faces just below here.

As a neighbor of the school, I am very glad of the opportunity afforded by this commission to state that in my opinion, having a knowledge of the school from the days it was first established by Gen. Pratt, then Capt. Pratt, I have never seen it in a better condition than it is at the present time under Supt. Friedman.

The CHAIRMAN. What is the state of feeling existing between the superintendent and the pupils generally, if you know it?

Mr. HENDERSON. I am not in a position, sir, to answer that question.

The CHAIRMAN. Do you know the state of feeling between the superintendent and the employees?

Mr. HENDERSON. I do not know anything definitely upon that subject. So far as I know, their relations are harmonious, with the exception that, as a matter of hearsay, I have understood that there has been some friction existing between the present superintendent and one of the employees of the school.

The CHAIRMAN. Do you know whether there is much drunkenness among the boys?

Mr. HENDERSON. On that point I wish to say that I have never seen a drunken Indian in Carlisle, with but two exceptions. On one occasion about dusk, between 7 and 8 o'clock in the evening, during the past year, I met an Indian who was intoxicated, accompanied by two of his fellow Indian friends, apparently being escorted home to the school by the front entrance. I say the front entrance, because I was struck by this fact, that those Indian boys would have the manliness to conduct the boy in that condition back to the school, where he could not fail to be observed.

On another occasion I remember seeing, at some little distance on the road to the school, after leaving the town limits on North Hanover Street, about 5 o'clock in the evening, a crowd, or rather a gathering of 7 or 8 people, and I inquired what it was, and they said that it was an Indian who had been arrested for drunkenness by a policeman.

The CHAIRMAN. Do you know whether he was a student here or not?

Mr. HENDERSON. I understood that the Indian was a student.

The CHAIRMAN. What is the general conduct and demeanor of the pupils? Is it good?

Mr. HENDERSON. Excellent. When I say excellent I speak from the standpoint of one who observes from the outside, and as a neighbor. I overlook the school. As living near the school, I come daily in contact with the pupils who travel to and from the school. I have never had a complaint to make or to suggest, in my knowledge of the school, of any act of rudeness, any boisterousness, or any rough play or unbecoming conduct on the part of a single Indian student in the streets of Carlisle.

The CHAIRMAN. Do they pass your house on the way to town and return?

Mr. HENDERSON. They do, sir.

The CHAIRMAN. That is a very remarkable statement to make of a school of this character.

Mr. HENDERSON. I live right opposite here——

The CHAIRMAN. How long have you lived there?

Mr. HENDERSON. I have lived there since an infant, and since the foundation of the school. That is nearly 13 years.

The CHAIRMAN. Other than the two occasions you have referred to, you have seen no signs of drunkenness, and have never been disturbed by any signs of misconduct?

Mr. HENDERSON. Never. On the other hand, I have been annoyed by our native white boys frequently. That is because of the fact that they do pass up and down the run that passes between our property and the Indian school, and if there was any little thieving in the way of fruit, the temptation was there. But in that whole period of years, at no time have I had occasion, or my family had occasion, to register a complaint against an Indian boy, with but one exception, and that was under these circumstances:

I noticed that there was an obstruction in the flow of the stream. An examination disclosed that some obstruction had been placed in the stream down by the woods, which is property belonging to the Indian school under the lease, and I complained to Mr. Friedman,

although I stated to him at the time that I had no knowledge of whether the obstruction was placed there by town boys or by his pupils. Mr. Friedman at once gave the matter his attention, and instructed that the obstruction be removed, and took every step that would prevent its repetition in the future.

The CHAIRMAN. We are very much obliged to you, Mr. Henderson.

TESTIMONY OF REV. ALEXANDER McMILLAN.

The witness was duly sworn by the chairman.

The CHAIRMAN. Mr. McMILLAN, the joint commission of Congress charged with the duty of investigating Indian affairs generally, are looking into conditions at Carlisle, and we have been informed that you are somewhat familiar with conditions here. We would be very glad to have any information that you may be able to communicate.

You are a minister, are you?

Mr. McMILLAN. Yes, sir.

The CHAIRMAN. Of what church?

Mr. McMILLAN. I am rector of the Episcopal Church. I suppose I have been the longest here of any minister. I have been 22 years coming to the school to administer, especially to children of the Episcopal Church, having an appointment here at least once a week for the midweek meeting and at other times.

The CHAIRMAN. Have they a church here, or assembly hall for religious services? Where do they hold religious services?

Mr. McMILLAN. On Monday evening the Methodists meet in one room and we meet in another one. Their pastors come out to meet them especially for a short service.

The CHAIRMAN. Your observation of conditions here arises from your ministrations to the children as a minister principally?

Mr. McMILLAN. Yes, sir.

The CHAIRMAN. What have you to say about the moral and disciplinary conditions prevailing in the school? I suppose they would attract your attention?

Mr. McMILLAN. They do, sir. My impression has been for some time past, comparing them with the other administrations, that I think the moral condition and discipline has been better. But some things have occurred to disturb the moral condition of the school from time to time, under Capt. Clapp and under Maj. Mercer, too.

The CHAIRMAN. You do not think the conditions are growing worse with reference to conduct among the pupils, do you?

Mr. McMILLAN. No, sir; not from what I can see.

The CHAIRMAN. You see them, however, I suppose, on their best behavior, when they are at church?

Mr. McMILLAN. No; I do not see them often at church.

The CHAIRMAN. Where do you see them?

Mr. McMILLAN. I see them on the grounds. I have taken some liberty as a friend to visit them in dormitories.

The CHAIRMAN. Did you do that?

Mr. McMILLAN. Yes, sir.

The CHAIRMAN. How often?

Mr. McMILLAN. That is only occasionally, when I go to see anyone.

The CHAIRMAN. What have you to say about the way their quarters are furnished and kept?

Mr. McMILLAN. About the same as they have been.

The CHAIRMAN. Are they satisfactory and comfortable?

Mr. McMILLAN. I never have heard any complaint.

The CHAIRMAN. Do you visit the mess halls during meals?

Mr. McMILLAN. The general dining room? I do at times.

The CHAIRMAN. Have you been there when complaints were general about the lack of a sufficient quantity of food, and especially the lack of a sufficient quantity of bread?

Mr. McMILLAN. No, sir.

The CHAIRMAN. Did you know that complaints were general on that score?

Mr. McMILLAN. Just a little.

The CHAIRMAN. Do you know whether there is much drunkenness among the pupils?

Mr. McMILLAN. That I hear reported occasionally; yes. I have been in court on jury duty where there was a case tried about two or three months ago.

The CHAIRMAN. I do not refer to exceptional cases, but only to conditions.

Mr. McMILLAN. I know only by report.

The CHAIRMAN. Do you know what efforts are made to suppress the sale of liquor to these Indian pupils, of your own knowledge?

Mr. McMILLAN. I am not so closely in touch with that.

The CHAIRMAN. You would think that if drunkenness or excessive drinking was common among the pupils, it would be a very bad condition, would you not?

Mr. McMILLAN. Yes, sir.

The CHAIRMAN. Going to the very integrity of the institution and its promises of success. Are you informed as to the moral conditions prevailing in the school?

Mr. McMILLAN. Only by report.

The CHAIRMAN. You have heard reports of many cases of immorality?

Mr. McMILLAN. Not many.

The CHAIRMAN. Do you know the feeling of the pupils toward Mr. Friedman and the feeling of Mr. Friedman toward the pupils? Do you know the relationship that exists between them?

Mr. McMILLAN. Until very recently, within the last few days, my impression has been all favorable.

The CHAIRMAN. You mean your impression has been that the feeling is cordial?

Mr. McMILLAN. Cordial; yes, sir.

The CHAIRMAN. Do you know, as a matter of fact, that it is quite otherwise, and that there is quite a general feeling of hostility?

Mr. McMILLAN. No.

The CHAIRMAN. You had not been informed of that?

Mr. McMILLAN. Not of any standing, I would imagine.

The CHAIRMAN. How did you learn of it?

Mr. McMILLAN. By rumor—not from the children, of course; and they would be free to speak to me.

The CHAIRMAN. Do you know the state of feeling between the superintendent and the employees generally?

Mr. McMILLAN. I know of cases of conflict between them.

The CHAIRMAN. Of course, you do not know anything about who is to blame, and would not undertake to pass upon that?

Mr. McMILLAN. No, sir.

The CHAIRMAN. Have you examined into the academic work that is being done?

Mr. McMILLAN. No, sir.

The CHAIRMAN. Are you familiar with the work that is being done in vocational training?

Mr. McMILLAN. I could not speak of that. An occasional visit to the shops would not teach me enough to enable me to pass on it.

The CHAIRMAN. We thank you very much.

TESTIMONY OF MISS EMMA C. LOVEWELL.

The witness was duly sworn by the chairman.

The CHAIRMAN. Are you connected with Carlisle School?

Miss LOVEWELL. Yes, sir.

The CHAIRMAN. In what capacity?

Miss LOVEWELL. As a teacher.

The CHAIRMAN. How long have you been employed here?

Miss LOVEWELL. Four and a half years.

The CHAIRMAN. Are you familiar with the conditions in the school with reference to discipline?

Miss LOVEWELL. I think so.

The CHAIRMAN. Are those conditions good or bad?

Miss LOVEWELL. I call them very bad.

The CHAIRMAN. Will you describe them briefly?

Miss LOVEWELL. Now, at the school building I should say they were better than last year, but take them in a general way—you mean in a general way?

The CHAIRMAN. Yes. What is the feeling of the pupils toward the superintendent? Do you know?

Miss LOVEWELL. Oh, yes; they are very bitter toward him.

The CHAIRMAN. Is that general?

Miss LOVEWELL. I think it is.

The CHAIRMAN. Do you know what it is due to?

Miss LOVEWELL. It is everything together. There have been so many things. One thing in particular, I think, they have taken a great dislike to is when he has stood up in the auditorium before them as a body and tried to put down Mr. Whitwell.

The CHAIRMAN. Mr. Whitwell is popular with them, is he?

Miss LOVEWELL. He is, very.

The CHAIRMAN. That has aroused their resentment?

Miss LOVEWELL. That is one thing I have seen very strongly. Of course, he has upheld the matron in very severe measures that she has taken, and I think that is one reason.

The CHAIRMAN. What is the feeling generally between him and the employees in the school? Is it cordial or otherwise?

Miss LOVEWELL. I think not, with only a few exceptions. He has a few favorites.

The CHAIRMAN. Could you name them?

Miss LOVEWELL. Well, I think his most particular one in the school is Mrs. Foster. Another one is Miss Reichel.

The CHAIRMAN. Do you know of employees having been reprovod for entertaining pupils?

Miss LOVEWELL. Yes; it was made publicly. He reprovod them at a faculty meeting. Other employees were present.

The CHAIRMAN. Why?

Miss LOVEWELL. The faculty meeting was held down in the old music room and he said that—there was quite a little discussion—he said he objected to the employees entertaining the boys. It went on just the same; it did not stop.

The CHAIRMAN. Do you know Mr. Stauffer?

Miss LOVEWELL. I do.

The CHAIRMAN. What is his position?

Miss LOVEWELL. Music teacher.

The CHAIRMAN. Was he formerly connected with the Agriculture Department?

Miss LOVEWELL. He was not connected with it. He tried to get in as agriculture teacher, and they tried to get him in.

The CHAIRMAN. What are the moral conditions prevailing in the school generally?

Miss LOVEWELL. I think they are at very low ebb.

The CHAIRMAN. Will you tell us why you think so?

Miss LOVEWELL. Well, boys and girls are meeting constantly.

The CHAIRMAN. Clandestinely and improperly?

Miss LOVEWELL. Yes, indeed.

The CHAIRMAN. What effort is made to prevent that?

Miss LOVEWELL. Well, of course, I am not in a position to know. I know after they are found out they are locked up for a little while. The last meeting they had they were not locked up as long as usual. They were locked up a few days and then released. Usually it has been several days.

The CHAIRMAN. Are there many instances of immorality in the conduct of the pupils of the school?

Miss LOVEWELL. Yes.

The CHAIRMAN. Is that known and understood among the employees of the school generally?

Miss LOVEWELL. Oh, yes, indeed.

The CHAIRMAN. What do you think is the remedy for these conditions? What do you think ought to be done?

Miss LOVEWELL. Well, I have said when I have been so excited over it that I thought there should be something done, and if I could not do something else, if I was superintendent, instead of raising inefficient employees, I would take that money and hire a guard and put it around the girls' school building. If there were any other way to protect them I would do that. Of course, these boys, as night watchmen, are not of any account, for that matter.

The CHAIRMAN. Do you know ——— ———?

Miss LOVEWELL. Yes.

The CHAIRMAN. Where was she from?

Miss LOVEWELL. From Montana.

The CHAIRMAN. Did she have trouble here?

Miss LOVEWELL. It was reported that she met a boy at the hospital. The nurse who was there told me the whole particulars. She said they could not get quite proof enough; there was not any doubt of it, but still they did not have positive proof.

The CHAIRMAN. Do you know other cases of alleged immorality?

Miss LOVEWELL. You mean——

The CHAIRMAN. Among other pupils?

Miss LOVEWELL. Oh, yes; I could mention a great many.

The CHAIRMAN. You state that there are a great many cases of immorality?

Miss LOVEWELL. Yes.

The CHAIRMAN. Are there many girls sent home on account of it?

Miss LOVEWELL. Yes; and some of them become mothers. How far I can testify to that I do not know. It was generally understood that they became mothers.

The CHAIRMAN. Do you know how many are reported to have had that misfortune?

Miss LOVEWELL. Well, I could not tell now.

(The list of names submitted by Mrs. Dietz was handed to the witness.)

Miss LOVEWELL. I do not remember the names of those who became mothers. There was immorality, but I could not say positively—they were immoral, there is no doubt about that. And it was known, or at least generally understood, that —— had a disease that, perhaps, is worse than to become a mother. At least, it was understood so. Benedict Cloud reported the story. Shall I tell the conditions connected with it?

The CHAIRMAN. No; I do not care to have them go into the record.

Miss LOVEWELL. That was in regard to writing a note to Mr. Friedman.

The CHAIRMAN. Go ahead.

Miss LOVEWELL. —— was in my schoolroom, and I had this talk with the nurse over there. She told me the conditions, and that Benedict Cloud had reported this story to her. She was there some little time, and then she came to school. I went to Mr. Whitwell, and I said, "If the conditions are what they say they are it does not seem to me that —— should be in school." He said, "If you wish to write you may send it through me." So I wrote to Mr. Friedman, saying that if the stories were true she should not be in the schoolroom, that her presence was contaminating. He wrote back that he had made an investigation, and that such libellous stories should cease. I wrote back that I had talked to the doctor about it, and that Benedict Cloud repeated the story. The doctor told me there was some trouble with Benedict Cloud, but he was not quite certain what it was.

Representative CARTER. Have you and the superintendent ever had any trouble?

Miss LOVEWELL. No—well, there was trouble, if you call it so—about my being sick at one time. Shall I tell that?

Representative CARTER. Just briefly.

Miss LOVEWELL. I was detailed to the dining room and worked very hard. It was too hard. I had my meals irregularly, and I was taken ill and had the doctor. But I heard there were so many stories about it, and the one who was taking my place was very much opposed to being there, so I said, "I am going to get up and report for duty." I went to Mr. Friedman and said, "I am going to report for duty," and he said, "No; I do not want any such thing. You take your vacation now. We can not give you any sick leave." I said, "Well,

I was going to report for duty." He said, "No; anyone who will give up their work and be traveling all over the campus can not be very sick." I said, "I beg your pardon, Mr. Friedman, I have not been able to walk over the campus. I have been sick in bed, and the doctor has been attending me." He said, "Well, I must take my leave." At that very time he said Mrs. Foster was on a month's sick leave. Miss Reichel was home and was taken sick after she went home, and had two week's sick leave.

TESTIMONY OF MISS HATTIE M. McDOWELL.

The witness was duly sworn by the chairman.

Representative CARTER. Miss McDowell, what is your position in the school?

Miss McDOWELL. Teacher.

Representative CARTER. Will you please tell us what you know what is wrong with this school, if you have any information to give us?

Miss McDOWELL. It seems to me we need a strong, upright, honest man for superintendent. That is the only thing I know of—the greatest need I know of.

Representative CARTER. Does Mr. Friedman seem to take any interest in this school?

Miss McDOWELL. His greatest is in himself. At least it seems so to me; that every motive seems to be, "How will it affect the superintendent?" and thus benefit the superintendent rather than the general welfare of the school.

Representative CARTER. He is a good advertiser, is he?

Miss McDOWELL. He certainly is.

Representative CARTER. He takes quite a lot of interest in the band?

Miss McDOWELL. Certainly; they advertise the school.

Representative CARTER. What do you think about the essentials? Does he pay any attention to the essential things?

Miss McDOWELL. It seems to me the most necessary things—the upbuilding of character and things that are for the benefit of the school and are most essential—are neglected.

Representative CARTER. Do he and Mr. Whitwell get along well?

Miss McDOWELL. Very poorly.

Representative CARTER. Who do you think is to blame for it?

Miss McDOWELL. Of course I think Mr. Whitwell is an upright honorable man. I have taught school, 14 years in the public schools and 19 in the Indian schools, and I never taught under a principal that I thought more interested, more helpful, who listened more patiently to what I have had to say. And I think that when he does not have the help and support of the superintendent it shows its effect throughout the school.

Representative CARTER. What do you know about the complaints of the children concerning their food?

Miss McDOWELL. I know they have complained to me. Just two weeks ago—now, the boys come in before the girls. They lined up along the wall and said they were so hungry. It was just afternoon. I said, "Do you have good food, good bread?" And they said, "Yes; but the meat was spoiled to-day, and we don't have bread enough."

Representative CARTER. Is the complaint general about the food? Do all the children indulge in that complaint?

Miss McDOWELL. Well, of course, sometimes we all grumble about the food. I do not know that it is general. Every time I have been to inspect the food it has been good. I think generally the food has been good; the bread has been good. They claim they do not get enough of it, and hard-working girls and boys do need more.

Representative CARTER. What do you know about the feeling between the superintendent and the boys? Is it good or bad?

Miss McDOWELL. As I say, it seems as if the superintendent lacks sympathy with both the employees and the children.

Representative CARTER. Now, the thing I wanted to know was, Is the feeling good or bad between them?

Miss McDOWELL. I think they quite clearly know him, and do not distrust him.

Representative CARTER. They do not respect him?

Miss McDOWELL. I do not think they do respect and trust him.

Representative CARTER. Have you known of any evidence of this disrespect being shown in a general way?

Miss McDOWELL. I have heard of that, but as to seeing it—they do not applaud him when he gets up to make a remark in chapel, like he would expect them to if they thought what he said was sincere and honest.

TESTIMONY OF GEORGE ABRAMS.

The witness was duly sworn by the chairman.

The CHAIRMAN. How long have you been here?

Mr. ABRAMS. Fifteen months.

The CHAIRMAN. You are the gardener, are you?

Mr. ABRAMS. Yes, sir.

The CHAIRMAN. What salary do you get?

Mr. ABRAMS. \$720.

The CHAIRMAN. How many acres of land do you cultivate?

Mr. ABRAMS. Six.

The CHAIRMAN. Six acres?

Mr. ABRAMS. For garden; yes.

The CHAIRMAN. What crops did you produce this year?

Mr. ABRAMS. Cabbage, peas, beans, cauliflower—

The CHAIRMAN. Are students detailed to do the work?

Mr. ABRAMS. Yes, sir.

The CHAIRMAN. How many students do they detail to you?

Mr. ABRAMS. From 10 to 12.

The CHAIRMAN. Couldn't you work a much larger area than that with that number?

Mr. ABRAMS. Certainly.

The CHAIRMAN. Why don't you cultivate a sufficient garden to supply all the needs of the school?

Mr. ABRAMS. I do not have enough ground for it and not enough help.

The CHAIRMAN. As a matter of fact, if sufficient ground were furnished you, you could take the student labor and make and gather enough vegetables and other garden truck to run the school all the year round?

Mr. ABRAMS. Yes.

The CHAIRMAN. What did you produce last year?

Senator LANE. How many cabbages?

Mr. ABRAMS. About 5,000 head.

The CHAIRMAN. Potatoes and onions? How much onions did you grow?

Mr. ABRAMS. Over 1,000 bunches.

The CHAIRMAN. Is there any orchard on this school ground?

Mr. ABRAMS. No orchard; no.

Senator LANE. How many dried onions?

Mr. ABRAMS. I had 10 or 12 bushels.

Senator LANE. How many carrots?

Mr. ABRAMS. I had about 10 bushels. I had tomatoes—about 400 bushels. I had about 150 bushels of beets.

Senator LANE. Did they can any of the tomatoes?

Mr. ABRAMS. They canned 800 gallons and could have canned 800 more. We gave them lots of radishes.

Representative STEPHENS. Are the boys that are sent you sent there as a punishment?

Mr. ABRAMS. No, sir.

Representative STEPHENS. How do you get them?

Mr. ABRAMS. By detail every month.

Representative STEPHENS. Do you select them?

Mr. ABRAMS. Mr. McKean, the disciplinarian. They report to me every first of the month.

Representative STEPHENS. They are under his charge for something they have done wrong?

Mr. ABRAMS. They are under his charge all the time. When they come to me they are under my charge.

Representative STEPHENS. Are they sent to you to teach them to farm?

Mr. ABRAMS. To teach them to work, and we do teach them in time.

Senator LANE. Are they ever sent to you to punish them?

Mr. ABRAMS. No, sir. They only sent me a couple of boys about a month ago. I asked for a couple of boys. I am digging about 160 feet of bed, and I asked for a few good boys to help, and they sent a couple of boys, to punish them, for that purpose.

TESTIMONY OF WILLIAM NONAST.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the tailor for the Carlisle School?

Mr. NONAST. I am.

The CHAIRMAN. Where is your shop?

Mr. NONAST. Over this way, past this building.

The CHAIRMAN. What work do you do in the tailor shop for the school?

Mr. NONAST. Mostly uniforms and repairing.

The CHAIRMAN. You make the uniforms and do the repair work for the older pupils?

Mr. NONAST. Yes, sir.

Senator LANE. Do you make all the uniforms?

Mr. NONAST. Practically all; yes.

The CHAIRMAN. You do no repair work for the younger ones?

Mr. NONAST. The repair work for the small boys is supposed to be done by the girls.

The CHAIRMAN. Do you know whether or not it is done by them or whether or not the clothing is destroyed?

Mr. NONAST. I know hardly any repairing is done over there, and I know as much from one of the sewing ladies over there. She told me about eight months or so ago they never came over there at all. All of a sudden about 2,000 pieces came over there at once. The disciplinarian over there was on a vacation, and she was surprised when they came over. She said there never was a piece since she was here, and she said she was here a year and a half.

The CHAIRMAN. Do they detail boys from the school to assist you?

Mr. NONAST. Oh, yes.

The CHAIRMAN. Do they learn the work pretty rapidly?

Mr. NONAST. Some do, and others do not.

The CHAIRMAN. How many are detailed for your assistants?

Mr. NONAST. It is never the same. Sometimes we only have half the boys and a week afterwards we may have twice as many.

The CHAIRMAN. Do they learn the trade? Do they stay long enough to learn it?

Mr. NONAST. Some do, and others don't.

Senator LANE. How many learn it in a year?

Mr. NONAST. It is hard to say. Some stay three years, others five years. Some do not stay six months. On an average I have about 15 or 16.

The CHAIRMAN. How many Indian boys in the school since you came here, do you suppose, have learned the trade?

Mr. NONAST. I could not say that outright. I could look it up in the books, but I could not tell the number now.

The CHAIRMAN. About how many?

Senator LANE. Twenty?

Mr. NONAST. Oh, no; more than that. I have been here 12 years, and then I have got an average of about 15 boys a year, so that would be 150.

The CHAIRMAN. How many of that number have learned the trade and would be able to pursue it?

Mr. NONAST. I know about a dozen that are working at it. Most of them have their own shops.

The CHAIRMAN. Why is it these boys that are detailed to you do not go on there and learn the trade?

Mr. NONAST. Because the most of them do not stay long enough, and I get them too late.

The CHAIRMAN. Why is it they do not stay? Are they detailed somewhere else?

Mr. NONAST. They are; and they are in the hospital, and in the guard house.

The CHAIRMAN. Are they sent on outing parties?

Mr. NONAST. Yes; and they are gone five or six months.

Senator LANE. Why do you get them too late?

Mr. NONAST. I often get a boy that has only six months to stay. It is understood that they will supply me with young boys when they first come here, but it is not so.

The CHAIRMAN. Who details these boys?

Mr. NONAST. I believe it is the disciplinarian.

The CHAIRMAN. How many boys could you take there and teach this work if they were allowed to you?

Mr. NONAST. Oh, I could have about 25 or 30 if I had them.

The CHAIRMAN. Could you teach them? Can the Indian boys learn the tailor work?

Mr. NONAST. Some of them are very good at it. Others, some way or other they do not like the tailor shop as well as other shops, because it is kind of sedentary and confining.

TESTIMONY OF MR. EDWARD McKEAN.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the disciplinarian at Carlisle now?

Mr. McKEAN. Yes.

The CHAIRMAN. How long have you worked in that capacity?

Mr. McKEAN. Just about 10 months.

The CHAIRMAN. Were you here before that?

Mr. McKEAN. No, sir.

The CHAIRMAN. You have been connected with the school just about 10 months?

Mr. McKEAN. Yes, sir.

The CHAIRMAN. What are the conditions in the school with reference to order or disorder and discipline generally?

Mr. McKEAN. Well, I have charge of the large boys, and one of the great troubles I have encountered here is the habit of boys going to town and getting liquor.

The CHAIRMAN. Is there much of that?

Mr. McKEAN. Why, they tell me, that the last year and the last two years—especially the last year—there has not been as much as formerly, due to the fact that, especially among the athletes, there is a better class of boys.

The CHAIRMAN. What efforts do you make to suppress that?

Mr. McKEAN. At times when the boys go to town, on town days, I am down there, and I give the officers instructions about watching out for these loopholes that these boys are liable to drop into. Besides that, at our assemblies, I give the boys general talks about that matter. Then those that do get drunk and come back in that condition I put them in the guardhouse.

The CHAIRMAN. How long do you usually keep them there for getting drunk?

Mr. McKEAN. Well, from a week to 10 or 12 days.

The CHAIRMAN. What is the feeling of the pupils generally toward the superintendent?

Mr. McKEAN. Well, the boys in my quarters have not a very cordial feeling toward the superintendent.

The CHAIRMAN. How does it manifest itself?

Mr. McKEAN. By referring to him as a "Jew" and "sheeney." Recently I have gone through the quarters and taken down cartoons of a slurring nature about him. Well, the general feeling among my boys is one of disrespect.

The CHAIRMAN. Do you know what it is due to?

Mr. McKEAN. I do not.

The CHAIRMAN. Have you attempted to restrain it and suppress it?

Mr. McKEAN. I have. I have tried to impress upon the boys that it was respect due to the position, and the individual should not be considered always in this matter: that he was the superintendent of the school, and as superintendent they were to respect him and I was to obey him.

The CHAIRMAN. Our attention has been called to the cases of some pupils who have been placed in jail, among them the case of _____ and _____, I think it was. You preferred a charge against them for fornication under the laws of Pennsylvania?

Mr. McKEAN. Yes, sir.

The CHAIRMAN. How did you come to do that? Was that under the superintendent's instructions?

Mr. McKEAN. Yes, sir.

The CHAIRMAN. Or on your own motion?

Mr. McKEAN. No, sir.

The CHAIRMAN. Was it in conformity with your best judgment that these parties should be confined in the county jail?

Mr. McKEAN. My personal judgment in the matter was that they should be punished in a different way, but my instructions were to take them there.

The CHAIRMAN. As a matter of fact, the laws of the State of Pennsylvania do not punish offenses of that sort by imprisonment. They are only punishable by fine. Was your attention called to that?

Mr. McKEAN. No, sir.

The CHAIRMAN. Do you know how it happened that Judge Sadler sentenced to them to jail for 60 days for that offense?

Mr. McKEAN. Those two were confined in the jail, and I believe the judge told me to go down and see _____ and see if he would plead guilty, and he did, and I can not say now whether I informed him or the district attorney. They were both there together, anyway. He sent the attorney down there, and he pleaded guilty, and that was the sentence.

The CHAIRMAN. Did you hear the sentence imposed?

Mr. McKEAN. I did not.

The CHAIRMAN. Did you know at that time that under the laws of Pennsylvania they could not be sent to prison for that offense?

Mr. McKEAN. No, sir.

Senator LANE. Did they plead guilty to that after they were in jail?

Mr. McKEAN. Yes, sir.

Senator LANE. Not in the court room?

Mr. McKEAN. I am pretty sure. Now, I have had several cases down there, similar ones; quite a few; three or four, I should say, and I am quite positive that it was in jail that _____ pleaded guilty.

Senator LANE. Not in the court room?

Mr. McKEAN. No; I do not think so.

The CHAIRMAN. As a matter of fact, he served there about 70 days, I believe. Do you know whether he was provided with a change of clothing during that time?

Mr. McKEAN. I telephoned down to the jail, and I believe it was the warden's wife, or some woman there, answered the phone, and

I told her that whatever clothing —— wanted at any time to let me know and I would send it.

The CHAIRMAN. Did you send him any clothing at any time that you remember?

Mr. McKEAN. No, sir; I do not think that I did.

The CHAIRMAN. Who has the power to administer corporal punishment under your rules and regulations here?

Mr. McKEAN. Well, the superintendent is generally opposed to corporal punishment. He has never personally delegated any powers that I know of to any employees to administer that.

The CHAIRMAN. Have you any authority to whip?

Mr. McKEAN. Well, I don't know. I tell you, it is like this: I do not make a practice of whipping any boys. I taught school before I came into the Indian Service, and occasionally a little whipping does a boy good; but, as a general proposition, it is a bad thing, and I avoid it.

The CHAIRMAN. Do you know of —— —— being whipped by Mr. Stauffer?

Mr. McKEAN. I heard that she was.

The CHAIRMAN. Do you know whether he had any authority to administer punishment to her?

Mr. McKEAN. As I say, I do not think that in his capacity of musician here—it would be a different thing than if he were disciplinarian or matron. I do not think that he would have any authority to administer any corporal punishment.

The CHAIRMAN. You were not present at any time while that occurred?

Mr. McKEAN. No, sir.

The CHAIRMAN. Were you present while some boys were whipped in the jail?

Mr. McKEAN. No, sir; that was before I came here.

The CHAIRMAN. Do you know a former student by the name of Montreville Yuda?

Mr. McKEAN. Yes, sir.

The CHAIRMAN. Did you look into his case?

Mr. McKEAN. Yes, sir.

The CHAIRMAN. Under whose instructions?

Mr. McKEAN. Mr. Friedman's.

The CHAIRMAN. What were your instructions?

Mr. McKEAN. The first I had to do with Montreville, I was instructed to take him off the school grounds; that he was expelled or sent away from here. I did so; and it seems that he struck a job in Carlisle with some ice-cream firm there, and the superintendent told me he was an undesirable character to have in the Carlisle School or its vicinity, and he was convinced that he had practices and was doing things that were detrimental to the boys.

The CHAIRMAN. Did he tell you what they were?

Mr. McKEAN. Why, he thought, for one thing—the only thing that was definite that I could say was that he had been getting them whisky, but that was a surmise. The instructions I got were to find out something tangible upon that boy by which the court could get hold of him and order him out of town.

The CHAIRMAN. You were instructed to get evidence against him?

Mr. McKEAN. Yes.

The CHAIRMAN. Did you do it?

Mr. McKEAN. I tried it.

The CHAIRMAN. Did you succeed?

Mr. McKEAN. I interviewed the policeman down town about this boy, and he told me that he thought—that he was quite positive that Montreville Yuda had been getting whisky himself, and that he could find out all about it. That was before I went on my vacation. After I came back I learned that during this time this big, tall, red-headed detective—Bentley is his name, I think—had ordered him out of town; by whose instructions I could not say, whether it was the court's or not. He went to a town up the railroad here a short distance.

The CHAIRMAN. Chambersburg?

Mr. McKEAN. I think so; yes, sir; and found employment up there. The next time I saw Montreville Yuda on the street here he was limping along; and I spoke and shook hands with him, and asked him what the trouble was; and he told me he had dropped a cake of ice on his foot; and he wanted to know if I was going to try to drive him out of Carlisle. I told him I had nothing against him, and as long as he behaved himself I did not think he would have any trouble, but whatever instructions I got I would have to carry them out. But so far as my personal relations with him were concerned, they were all right.

The CHAIRMAN. Did you find any evidence that the young man had been getting whisky for the Indian pupils?

Mr. McKEAN. I found that he had, while he was a student here, before this time, brought some of the boys down into a disorderly house down in Carlisle, had brought several of them there, but they were boys that were then away from the school and have gone back home. That was the only evidence.

The CHAIRMAN. You did not find anything with reference to students?

Mr. McKEAN. No, sir; not of recent date.

The CHAIRMAN. You have not put in the record the trouble you had with that boy who hit you.

Mr. McKEAN. That is an individual case. I think he did that himself, and I am convinced that does not represent the school.

Representative STEPHENS. Do you know of any case where Mr. Friedman has ordered Yuda or any other boy, after leaving the school, to leave the town or leave the county when they had employment?

Mr. McKEAN. This is the stand Mr. Friedman told me the school took: Students, after they left this school—he did not want them around this vicinity. He wanted them away from here, and took means to send them away. I do not think he ever gave me any instructions to drive them away or disturb them in their occupations, but he told me that when students quit the school he wanted them away from here and not around Carlisle or its vicinity.

Representative STEPHENS. Did he give any reason for that?

Mr. McKEAN. The only reason that he gave was that on account of the girls going down town and that young man there, there might be serious trouble in that respect.

TESTIMONY OF MISS MARGARET M. SWEENEY.

The witness was duly sworn by the chairman.

Representative CARTER. What is your official position?

Miss SWEENEY. Teacher.

Representative CARTER. Miss Sweeney, could you tell us anything that you think would be for the good of this institution?

Miss SWEENEY. I presume I can not add very much more to what you have already heard.

Representative CARTER. We would like to have any suggestions you might make.

Miss SWEENEY. I think if there were tact used in discipline we would have a much better school. That is what is lacking.

Representative CARTER. That you are short on discipline?

Miss SWEENEY. The superintendent—in my opinion—he has no discipline. He evidently has not had very much experience in that line, because he does such funny things, you know, that are detrimental to the discipline of the school.

Representative CARTER. Do you know anything of his attitude toward the students and their feeling toward him?

Miss SWEENEY. Now, I have been here four years. I came here four years ago in November, and there were students here at the time I came that I had known before, and I was shocked at the feeling of those students toward Mr. Friedman at that time. It seems they had an investigation the May before I came. I could not tell you the nature of the trouble then, but I was told by the pupils at that time that they very much—that the feeling of the pupils was that they were going to have an uprising among themselves and drive him off and any employee that was in sympathy with him.

Representative CARTER. Do you know anything of their expressing their dislike in the way of hissing, etc.?

Miss SWEENEY. You could ask that better from somebody who was here at the time; but I understood that the band refused to play for him. I could not give you any definite idea about what happened, because I only heard it second handed.

Representative CARTER. Have you any direct information about the morals of the school and the pupils?

Miss SWEENEY. You see, it requires a very strong man in the school, and I presume we get the worst class of pupils; a class of pupils that can not be controlled in other schools. Now, during the time Miss Gaither was here Miss Gaither had what we considered very good tact in controlling those girls, and she gained the love and esteem of the girls; but she had no support from the superintendent.

Representative CARTER. Why did she leave?

Miss SWEENEY. He was instrumental in getting her to leave.

Representative CARTER. He had her transferred?

Miss SWEENEY. So far as I can see, if he takes a personal dislike to you it makes no difference how good an employee you are or how well you are doing your duty toward the Government.

Representative CARTER. What do you know about Mr. Stauffer? What is his influence?

Miss SWEENEY. I do not consider Mr. Stauffer a very great addition to our faculty.

Representative CARTER. Do you know of any specific things he has done?

Miss SWEENEY. There was a lady, Mrs. James Thorpe, told me a story; she was not going into details, more because she knew I had already heard it; but she went into details with the sisters, and the sisters told me; and she spoke of it again to me, and I did not ask her to go into details because I had already heard the story. It was a very immoral story, and it was in connection with the—he said, what I understand, that the sisters and priests were living an immoral life.

Representative CARTER. Who said that?

Miss SWEENEY. Mr. Stauffer. I understand she went to his room to take her lesson, and he talked in such a way to her that she got frightened; and she said that she sat there and took this language from the man simply because he was an employe and she was a pupil.

Representative CARTER. Indecent language?

Miss SWEENEY. Indecent language; and she said, "I felt like clawing his face."

Representative CARTER. And he said that the priests and the sisters were living immorally?

Miss SWEENEY. Yes; and he talked in such a broad way to her that she was horrified. She, of course, was brought up by the sisters, and she knew he was telling what was false. I think he has been instrumental in making considerable trouble here between Mr. Whitwell and Mr. Friedman.

Representative CARTER. Have you ever had any trouble with Mr. Friedman yourself?

Miss SWEENEY. I have never had any words with him, but he has treated me very badly since the first of September.

Representative CARTER. In what way, Miss Sweeney?

Miss SWEENEY. Now, to go back, I think that when I got my promotion—this automatic promotion you know, and the fact I was a Catholic—he did not speak to me after I got it for some five or six weeks. Then when he got into trouble with Mr. Whitwell he was very anxious to get my friendship.

Representative CARTER. When did he and Mr. Whitwell get into trouble?

Miss SWEENEY. Sometime in October. Of course, he had been so disagreeable over the school work. It was an old grudge, it seems. And then, of course, Mr. Whitwell lost his temper, and he made a charge against him—

Representative CARTER. What charge?

Miss SWEENEY. Mr. Whitwell called him a "dirty skunk."

Representative CARTER. Does Mr. Friedman attempt to discriminate against people on account of their religion?

Miss SWEENEY. He did; I think he is very anxious—you see, Father Stock and Mr. Friedman had some trouble in regard to religious matters in regard to pupils going to confession. Father Stock took it to Washington. The commissioner had ordered Mr. Friedman to send the children to church with their officers, and I think that made him very angry.

Representative CARTER. Does that extend to the students too? Does he discriminate against the children too?

Miss SWEENEY. Since the time of Col. Pratt, when the children went to confession and communion every second Sunday, they went down in charge of their officers, but Mr. Friedman said that the girls could not go down unless they had a chaperone, and he detailed me to chaperone the children at half-past 9 to the regular mass, where the boys went too. Of course, Father Stock could not get any lady to come up for them from the town and make it a regular work. So I think that was really his motive, for it was taking revenge in a way upon Father Stock.

TESTIMONY OF MISS HANNAH H. RIDENOUR.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the matron at Carlisle School?

Miss RIDENOUR. I am the matron.

The CHAIRMAN. How long have you been here?

Miss RIDENOUR. One year and a few days.

The CHAIRMAN. How long have you been in the Indian Service, Miss Ridenour?

Miss RIDENOUR. About 16 years.

The CHAIRMAN. Where did you serve before coming here?

Miss RIDENOUR. Mascalero, N. Mex.; Hoopa, Cal., and Phoenix, Ariz.

The CHAIRMAN. How did you find the conditions among the pupils under your jurisdiction with reference to discipline when you first came here?

Miss RIDENOUR. Pretty bad.

The CHAIRMAN. How would you describe it?

Miss RIDENOUR. Impudent, saucy—

The CHAIRMAN. Was there much immorality among them?

Miss RIDENOUR. Yes, sir; there was some. I could not tell you how much. Right at first I did not find this out. I was here a short time before I discovered the first cases.

The CHAIRMAN. What is the condition now with reference to the same subject? Has it improved any?

Miss RIDENOUR. It seems to me that it is better.

The CHAIRMAN. Have you had much difficulty in handling the girls?

Miss RIDENOUR. I have had some.

The CHAIRMAN. Have you had many conflicts with them?

Miss RIDENOUR. Several.

The CHAIRMAN. What is your relationship with them in a general way? Is it cordial or rather strained?

Miss RIDENOUR. It has been very strained of late.

The CHAIRMAN. How long has it been since that began?

Miss RIDENOUR. Sometime before Christmas, I think it started up. Just since New Years it has been the worst. The first outbreak was on New Year's Day.

The CHAIRMAN. Describe that outbreak.

Miss RIDENOUR. It was not just an outbreak. Really they disobeyed me and went over my head.

The CHAIRMAN. Appealed to the superintendent over you?

Miss RIDENOUR. Yes; appealed to the superintendent without permission, and I would have given them that permission.

The CHAIRMAN. Was that about the skating expedition?

Miss RIDENOUR. I was trying to get permission at the time over the phone, to find out if he would allow us to go, but I happened to see them sneaking out to go, and I did not know where they went. I followed them to the door to see, while I was waiting for Mr. Friedman to come to the telephone.

The CHAIRMAN. Did you have a controversy with them?

Miss RIDENOUR. I just called them in and talked to them about it and asked them why they did it.

The CHAIRMAN. You reproved them?

Miss RIDENOUR. I reproved them; yes, sir.

The CHAIRMAN. Did the superintendent sustain you? He sent them back to you, did he not?

Miss RIDENOUR. That was not taken up with the superintendent at all.

The CHAIRMAN. They never did get their appeal before him?

Miss RIDENOUR. He told the girls he would see me about it. That is, he sent word to them by his wife. She went to the door.

The CHAIRMAN. How many girls have you under your jurisdiction?

Miss RIDENOUR. Two hundred and thirty-five right here on the grounds. I have 87 in the country that I have a good deal of work to do for.

The CHAIRMAN. Do you reside in the same building where they do?

Miss RIDENOUR. I do.

The CHAIRMAN. What is their general conduct in their rooms with reference to being orderly or disorderly?

Miss RIDENOUR. In the way of keeping their rooms?

The CHAIRMAN. I mean in the way of being quiet and reserved.

Miss RIDENOUR. As a rule, they are very good.

The CHAIRMAN. Now, how do they keep their rooms?

Miss RIDENOUR. If we keep after them, they keep them pretty good.

The CHAIRMAN. You have some trouble?

Miss RIDENOUR. Certainly; we have to be after them.

The CHAIRMAN. Do you remember the case of Julia Hardin?

Miss RIDENOUR. The girl who was whipped by Mr. Stauffer; yes, sir.

The CHAIRMAN. I wish you would tell about that.

Miss RIDENOUR. Begin at the beginning and tell the whole thing?

The CHAIRMAN. Yes; briefly.

Miss RIDENOUR. Julia signed to go to the country for the first party last spring. Everything went along all right until the day everything was prepared to go, and when the time came to pack trunks and get ready those for whom places had been assigned—I think we packed the trunks the day before. When I sent for her to come and pack her trunk she refused to come. In the first place, I announced in the morning that the girls who were to go were not to go to school. When it came time for her to pack her trunk I sent to the school-house for her and she did not come. I had to send Miss Austin for her. It was getting late and all, and she would not hurry at all. She just lagged along and said she was not going and we could not make her, so I appealed to Mrs. La Flesche, the outing manager, and she said that Julia must go.

Then we took it up to find out what her excuse was. She wanted to wait for the next party, and I believe she said she did not have a trunk; that she wanted to get the money that she expected for a new trunk, as her trunk was not good. Then we excused her, and I rushed around and got another girl ready on short notice to go in her place.

So it went on until the next time came. When the next party came——

The CHAIRMAN. How long was that after the first occasion?

Miss RIDENOUR. I think there was about four or six weeks between. When it came time to pack trunks again I announced to her that they had secured a place for her and that she would have to go the next day. She told me she was not going. I did not pay much attention to it; I just supposed it was some of her folly and that she would go.

She went off to school again and we had to send for her. We had to go for her three or four times that day, one or the other of us, and it was almost train time; that is, just time to get her packed to go when the rest were to go. I did everything to try to persuade her that I could and to show to her that the only thing to do was to get ready and go, and she still refused.

I went up to Mr. Friedman and told him I could not do anything with Julia; that she refused to go and said she would not go for anybody. Mr. Friedman sent Mrs. La Flesche down, and she would not do anything for her. Mr. Friedman said she must go. I went up to her room and took her up there; I had almost to push her to her room. I told her she must go anyhow and keep her promise this time, and she would not do it.

Representative CARTER. Did she have a trunk then?

Miss RIDENOUR. No; she had drawn her money and spent it for other things.

I went down and called Mr. Friedman again, and Mr. Friedman sent Mr. Stauffer; I think, and he said he happened to come into the office at that time, so he called him. Mr. Stauffer came down and I took him up to her room, and he talked to her, and we both talked to her and tried to persuade her, and she just talked back to us and told us there was nobody would make her do what she did not want to do.

Mr. Stauffer went back and went to Mr. Friedman again, and she ran off outside and told the girls how she talked to us, right in front of the building here, and declared she would not go. But I went after her and got her back in the office, and I was talking to her when Mr. Stauffer came back. He took the case then and began to talk to her and asked her if she would go and she said she would not. He told her what she would have to do, and she got smart and impertinent and said saucy things back, and he slapped her face. I think he slapped her a couple of times, and she doubled up and dropped down on the floor. I think he tried to get her up; we both tried to get her up and we failed, and he pulled her over and spanked her.

The CHAIRMAN. What did he use? A board?

Miss RIDENOUR. I went and got a piece of kindling.

The CHAIRMAN. How many times did he strike her?

Miss RIDENOUR. I do not know, but it was not half enough.

The CHAIRMAN. You think she did not get enough punishment?

Miss RIDENOUR. Mrs. La Flesche, she came in, and Mr. Stauffer told her how the thing was, and she said that was what she deserved. She said too that she had not got half enough.

The CHAIRMAN. Really, don't you feel in a case like that—she is about 18 years old, I believe—don't you think such a case had better be handled in a different way than by having a man take a young lady and spank her with a board? Do you think it helped the discipline of the school?

Miss RIDENOUR. I certainly think it did.

The CHAIRMAN. Was that your intention in having it done?

Miss RIDENOUR. To do the right thing for the school and the girl.

Mrs. La Flesche came in and she talked to her again and she would not get up. Then Mr. Whitwell came in and he talked to her and she would not get up for a long time. He told her she would have to go and sign the check, and if she did not we would have to send her to a reform school. So she finally got up and signed the check.

The CHAIRMAN. What is the rule about those outing parties?

Miss RIDENOUR. It is their own free will to go if they want to, but after they sign and all arrangements are made they are compelled to go.

The CHAIRMAN. They are given the option?

Miss RIDENOUR. They are given due consideration, and they are given one chance to go back on their word, if they want to, and the next time they are made to go through.

Representative CARTER. She signed up a second time, did she?

Miss RIDENOUR. This was the same time; she promised to go the next time.

In the meantime Mr. Whitwell said she should be locked up. We did that, so that the girls would not get to her and persuade her to do something else. Mr. Whitwell went with me and took her to the little lock-up we had, and locked her up in there. One of the matrons went into the little clothing room, which is right off that room, and she called to the matron and asked if she would send for Mr. Stauffer.

Mr. Stauffer came right back and he and I went right back to the little lock-up and she apologized to both of us, and said she would go on and be no more trouble at all. Then, rather than leave her in the lock-up over night, we both told her we had forgiven her—she asked us if we would, and if it would make any difference to any one else, and we told her we knew it would not. I took her to my room and kept her in my room, because I did not want her out where the girls were, for fear the girls would get hold of her and persuade her to go back.

In the meantime the boy she had been infatuated with during this time, he found out she was in my room. He went up to the window and had—she told the whole story. I trusted her and let her stay in my room, and then she saw the boy—by the way, he has caused more trouble than anything else.

The CHAIRMAN. Who is he?

Miss RIDENOUR. Tony Largeknees.

The CHAIRMAN. How did she get along?

Miss RIDENOUR. When she first went out she got along splendidly. She got very good reports. She wrote me a letter thanking me for what we had done for her and said she was glad we had done it, and it had done her lots of good. And when she came back she walked into

the office and said she was glad Mr. Stauffer and I made her go, and she has been one of the best girls up to about New Year's that we have ever had.

The CHAIRMAN. Did you ever have any trouble with her other than that time?

Miss RIDENOUR. I came in January, and that was soon after I came. Before that she was—I always thought she was—one of the leaders in throwing things. That is what they did when I first came here.

The CHAIRMAN. They do not do that now?

Miss RIDENOUR. No, sir; they have been very good.

The CHAIRMAN. Was her conduct reported to the people she went to?

Miss RIDENOUR. Yes, sir. She was taken out to the country all the way by Mrs. La Flesche, so they would know what they had to deal with. I suppose she took her to Philadelphia—

The CHAIRMAN. Were they instructed to curtail her privileges on account of her conduct before she left the school?

Miss RIDENOUR. I could not tell you that.

The CHAIRMAN. You do not know anything about what information was communicated?

Miss RIDENOUR. No. But I know some of the letters that were written back. She wrote to this boy some postal cards with all sorts of stuff on them—

The CHAIRMAN. Anything improper on them?

Miss RIDENOUR. She wrote to this Tony what she would do, that she would run away and stay out all night—put it on a postal card and sent it through the post office. The boy was under punishment at that time, and Mr. McKean noticed this card.

The CHAIRMAN. You are satisfied there was no foundation for her statements that she had been so imprudent in her conduct?

Miss RIDENOUR. They made a thorough investigation, and I think they found out. The people said that she and another girl ran away to a dance. Both the country mothers said she had never been out of the house to their knowledge, they could not find out anything. Nothing was ever said to the girl about it at all.

The CHAIRMAN. Do you know the feeling between Mr. Friedman and the pupils generally? Do you know whether the relation between them is strained, or cordial?

Miss RIDENOUR. Well, at present it is strained, and at one time before it was. We opened up school with a very good feeling in September. Everything just seemed to be going on splendidly until the last four or six weeks.

The CHAIRMAN. To what do you attribute the disaffection among your pupils?

Miss RIDENOUR. Well, I am not real positive, but I have felt that there were employees that have influenced the children. I have felt that there was outside influence somewhere.

The CHAIRMAN. Have you any information as to that, or any proof of it?

Miss RIDENOUR. I do not know that I have.

The CHAIRMAN. Is there much drinking among the boys, Miss Ridenour?

MISS RIDENOUR. I can not say. They have had a good many cases of drunkenness here, I think.

THE CHAIRMAN. Of course, you have no special jurisdiction over things of that sort?

MISS RIDENOUR. Only keeping them away from the girls.

THE CHAIRMAN. Do you have much trouble in keeping the boys away from the girls?

MISS RIDENOUR. I have had lots of trouble.

THE CHAIRMAN. What precautions do you take, and what plans do you pursue to prevent immoral relations between them?

MISS RIDENOUR. Well, I do not allow them to go anywhere unchaperoned if I can help it. I keep as close a watch upon them in every respect as I can.

THE CHAIRMAN. I think it is in evidence that you reprove them whenever you can.

MISS RIDENOUR. I think if you ask them they will know why. They have done a great many things. The girls themselves opened the door. The last case we had, one of the girls said in a letter that the girl did it, and it was not the boys. They had to take a hasp off the door, and they had to get a key some way. This was after this trouble seemed to take hold of them. I attributed it mostly to this quarantine business. We were quarantined on account of measles. We were quarantined here for two months, and we have not been allowed to go down town. We had to close the socials, and the boys and girls said it was a pretext just to keep them from having socials. That is the way they would talk, and I think that is the way that door was opened.

THE CHAIRMAN. On that occasion was there evidence of improper relationship between them, or was that just an effort to associate together?

MISS RIDENOUR. I do not know. The girls said—the four that we caught in this affair claimed that they were in a spirit of fun, and the boys said they came there for that purpose.

THE CHAIRMAN. How were the boys punished?

MISS RIDENOUR. They were locked up for a few days. I locked up the girls here for a week, and they were told they were to be deprived of all privilege of socials, going to town, and drawing money until after commencement. I have carried that out so far, but one of the boys has been to three receptions. That is what the boys are angry at me about, because they think I am punishing the girls, and the boys have been so rebellious against me.

THE CHAIRMAN. I have not found any evidence of that.

MISS RIDENOUR. I can not go across the campus here that they do not all shout, "Put her out."

THE CHAIRMAN. Have you heard them make similar displays toward the superintendent? Have you heard them call him "Jew," etc.?

MISS RIDENOUR. I have noticed the boys doing it. But they do it to me every time I go on the campus, if there are a few of them together, or even one. One was passing the dining room the other evening, and he shouted at me, "Let them out," meaning, I suppose, that I was keeping the girls too close.

THE CHAIRMAN. For my part, Miss Ridenour, I feel you have had some very hard work, and you have been very unfortunate in this strained relation that has arisen. I would like to ask, if you care to

suggest it, just what you think are the remedies for these conditions. I do not mean to urge it, because you are not charged with that responsibility. If you have anything you want to suggest I would like to have you do it.

MISS RIDENOUR. I feel positive that there is somebody influencing the children, both against me and Mr. Friedman. If you can not find that out and remove it I do not think there is any remedy. That is what I feel.

Representative CARTER. You think it is not confined to the children?

MISS RIDENOUR. I am almost positive it is not. Whenever I have trouble with the children they go across to a certain teacher's room—

Representative CARTER. Would you mind telling us which one?

MISS RIDENOUR. Miss Sweeney is one of them, and the Catholic children are the ones she gets over there. And it appears that if I correct a girl for something the next thing I know she is slipping out and going over there, and she is not supposed to go without permission. When I found out the things that were going on, I got after them about it. They think I am harsh.

The CHAIRMAN. Do you think it would be possible to establish more amicable relations with them by relaxing that harshness, if you will call it that?

MISS RIDENOUR. My harshness? My discipline?

The CHAIRMAN. Your method of discipline.

MISS RIDENOUR. Yes; if I just let them go—

The CHAIRMAN. You think the primary consideration is that they want more privileges?

MISS RIDENOUR. They would just as soon I would go down to my room and stay all day and let them run the office. They have told me that Miss Gaither did that. They would come in—5, 6, 8, or 10—and sit on my desk, and I had to order them out. I told them the office was a place of business, and they could not come in there and talk about one thing and another. Whatever I have done, I have tried to do for their interest. Of course, sometimes I have been angry, and I have had occasion to be. If anybody else can go in there and do it, I would like to see them.

Representative STEPHENS. Do any of the girls come to you and consult with you in a motherly way?

MISS RIDENOUR. Some of them.

Representative STEPHENS. How many?

MISS RIDENOUR. I could not say.

Representative STEPHENS. As a rule, they refuse to come to you unless they have to? Is that correct?

MISS RIDENOUR. I do not think so. There are some that do not come around.

Representative STEPHENS. Do you believe it would be possible for Mr. Friedman, in the condition you know the school to be in now, to reinstate himself in the good graces of these children?

MISS RIDENOUR. I do not see why not. I positively feel it would be the downfall of this school if Mr. Friedman is removed now. I do not see why he could not. He has done everything that he could for those children so far as I can see.

Representative STEPHENS. You say there is an estrangement now? Miss RIDENOUR. It seems to be. They are calling him names——

Representative STEPHENS. The relations will have to be changed from what they are now before the school will be put upon a proper footing. Is that true?

Miss RIDENOUR. I suppose so. I have seen several little things that have caused me to think, but I could not positively prove it myself. I have heard one girl say that she was called into Mr. Whitwell's office——

Representative CARTER. Mr. Whitwell has always assisted you in correcting the girls?

Miss RIDENOUR. I do not know that I ever called upon him.

Representative CARTER. Didn't you call upon him in the Julia Hardin case?

Miss RIDENOUR. Mr. Friedman called on him.

Representative CARTER. He assisted you then, didn't he?

Miss RIDENOUR. He came over; yes.

Representative CARTER. The conduct of the girls toward you has been very bad, you say?

Miss RIDENOUR. Yes, sir; at times.

Representative CARTER. Did that begin as soon as you came here?

Miss RIDENOUR. Yes, sir.

Representative CARTER. Can you give us any idea about what the cause of that was? Do you know why they seemed immediately to take a dislike to you?

Miss RIDENOUR. No; I do not.

Representative CARTER. I would like to know something about this trouble that you said started in January.

Miss RIDENOUR. Well, they just got unruly, and disobeyed.

Representative CARTER. Do you know any cause for that?

Miss RIDENOUR. I attributed it to the quarantine. That is what I thought all the time it was, because they said we were using that as a pretext to keep the boys and girls from getting together.

Representative CARTER. How long has Julia Hardin been in school?

Miss RIDENOUR. I could not tell you.

Representative CARTER. Was she here when you came?

Miss RIDENOUR. Yes, sir.

Representative CARTER. What is her school rating? Do you know?

Miss RIDENOUR. I could not tell you.

Representative CARTER. Do you know what her ratings were for department?

Miss RIDENOUR. No.

Representative CARTER. Have you ever had any trouble with her except this one time?

Miss RIDENOUR. Not any special trouble. When I first came here I thought she was one of them—I have more trouble with the girls in the business department than any other girls.

Representative CARTER. What do you attribute that to?

Miss RIDENOUR. Liberties they take.

Representative CARTER. You do not think there was anyone in the business department trying to prejudice you?

Miss RIDENOUR. Oh, no; I think they were given liberties over there.

Representative CARTER. How many girls have been locked up since you have been here?

Miss RIDENOUR. I could not tell you. A good many have.

Representative CARTER. Where do you lock them up?

Miss RIDENOUR. In some rooms in the building.

Representative CARTER. Is this the only girl you have had occasion to inflict corporal punishment on?

Miss RIDENOUR. No, sir.

Representative CARTER. You have had to punish others?

Miss RIDENOUR. Yes, sir.

Representative CARTER. How many?

Miss RIDENOUR. I do not know. I have slapped several of their mouths for impudence, and I have spanked two, or strapped them.

Representative CARTER. This is the only time that anyone has been called in to assist?

Miss RIDENOUR. That is the only time. I called Mr. Denny in one morning, but there was nothing done. He just talked to the girl.

The CHAIRMAN. Who was that girl you heard say Mr. Whitwell called her in his office and told her what to say over here?

Miss RIDENOUR. It was not the girl that was called in; it was one of the other girls that was. Maud French, I think, was the girl.

The CHAIRMAN. Where was she when you heard her make that remark?

Miss RIDENOUR. It was in the hall at the quarters.

TESTIMONY OF DR. WALTER RENDTORFF.

The witness was duly sworn by the chairman.

The CHAIRMAN. How long have you been here, Doctor?

Dr. RENDTORFF. I came on the 1st day of January.

The CHAIRMAN. Where did you come from here?

Dr. RENDTORFF. Anadarko, Okla.

The CHAIRMAN. You are the physician at the school?

Dr. RENDTORFF. Yes, sir.

The CHAIRMAN. What is the general condition of health in the school?

Dr. RENDTORFF. Generally pretty fair.

The CHAIRMAN. How were you received when you came by the superintendent and others?

Dr. RENDTORFF. Oh, with anything but the courtesy that I thought was due me.

The CHAIRMAN. Tell me about it just a little in detail.

Dr. RENDTORFF. Well, sir, I stepped to the door and rang. Mr. Friedman came out and shook me very warmly by the hand, and called me by some name which I have forgotten. I said, "You have made a mistake; I am Dr. Rendtorff." His entire demeanor changed immediately. He asked me to step in. He said a few words—asked me why I came down here when there was a \$40,000 hospital building where I was coming from, and spoke a few more words. He then told me to go to the hospital with Dr. Allen, who was present in the room at the time. I went with Dr. Allen, and my conversation with Mr. Friedman was not very long.

The CHAIRMAN. Do you know why he resented your coming down here?

Dr. RENDTORFF. I can not say that I know of any reason.

The CHAIRMAN. Is there much tuberculosis in this school?

Dr. RENDTORFF. From my own observation—I have not had a very good opportunity to look all the children over. I have been pretty busy here with measles. I did look all the records over though, when I first came, which is quite a job. At that time I made some notes, which I had not intended to use in this way at all. There are 18 cases of glandular tuberculosis.

The CHAIRMAN. How many cases of pulmonary tuberculosis?

Dr. RENDTORFF. I do not know; I have not got that down. But I have discovered since I came three cases of pulmonary tuberculosis, two of which were so far along that I had to send them home.

The CHAIRMAN. Is there much trachoma?

Dr. RENDTORFF. I really can not tell you the percentage. There is quite a bit. They have been pretty well taken care of.

The CHAIRMAN. That was the statement of Dr. Allen. He said, however, that about 70 or 75 per cent of the pupils have trachoma in some of its stages, but that it is pretty well under control.

Dr. RENDTORFF. Yes, sir; it has been taken care of well. There are seven cases of trachoma which should be operated upon. Some of those are comparatively new students. Two, I know personally, have just come in.

The CHAIRMAN. Why don't you operate?

Dr. RENDTORFF. Oh, I am going to. I have made four tonsil operations here lately.

The CHAIRMAN. What is the discipline of the school?

Dr. RENDTORFF. Why, I have been led to think it has not been extra good.

TESTIMONY OF HARVEY K. MEYER.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your business, Mr. Meyer?

Mr. MEYER. I am clerk here; generally called Mr. Friedman's clerk.

The CHAIRMAN. Have you observed the discipline in the school recently?

Mr. MEYER. Yes; I have.

The CHAIRMAN. Is it good or bad?

Mr. MEYER. I would say it was quite bad.

The CHAIRMAN. Have you seen manifestations of disrespect on the part of pupils toward the superintendent?

Mr. MEYER. Yes, sir; I have.

The CHAIRMAN. You have heard them jeer him and call him "Jew"?

Mr. MEYER. I have not heard that. I have heard it spoken about; yes.

The CHAIRMAN. What demonstrations have you seen and heard?

Mr. MEYER. There was an instance when two of our girls were sent away, and it was about 5 o'clock in the evening, so they could take a train at 5.41. They were brought to Mr. Friedman's office and held there some little time, and taken out the east entrance to our office building. A number of the girls had congregated on the campus because work had been discontinued. Mr. Friedman went out on the campus and asked the girls to go back to the quarters. They refused to do so, and openly called good-bye to those girls, which was the

very thing he wanted to prevent. That was the most flagrant case of disobedience that I could mention.

The CHAIRMAN. Do the students claim they do not get enough to eat?

Mr. MEYER. I have heard that complaint; yes.

The CHAIRMAN. Do they complain they do not get enough bread?

Mr. MEYER. Yes; I heard that complaint about two weeks ago.

The CHAIRMAN. What has been your experience in the service heretofore?

Mr. MEYER. I was at the Haskell Institute three and a half years, under Supt. Pierce.

The CHAIRMAN. Do you think this school is progressing satisfactorily?

Mr. MEYER. No; not at present.

The CHAIRMAN. What do you think is the remedy for the troubles?

Mr. MEYER. I believe that we have to get a bigger man than Mr. Friedman is; one who can get the respect of the students and can get employees who are willing to do good work, so they can work together.

The CHAIRMAN. Is the feeling of disrespect toward the superintendent pretty general throughout the student body?

Mr. MEYER. I think so; very much.

TESTIMONY OF CHARLES H. CARNS.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your business?

Mr. CARNS. Painter.

The CHAIRMAN. You are employed at the Carlisle School?

Mr. CARNS. Yes, sir.

The CHAIRMAN. What are your duties?

Mr. CARNS. Painter.

The CHAIRMAN. To give instruction in painting?

Mr. CARNS. Yes, sir.

The CHAIRMAN. How many pupils are detailed to you?

Mr. CARNS. From 20 to 30 or 35.

The CHAIRMAN. How long should a pupil be permitted to remain with you to receive proper training in the trade?

Mr. CARNS. Not less than three years.

The CHAIRMAN. How long do they stay here, as a rule?

Mr. CARNS. Two years and a half, or longer.

The CHAIRMAN. What percentage of them?

Mr. CARNS. Oh, I could not say. I have four at the present time that have been with me a little over two years.

The CHAIRMAN. The rest of them have been there a shorter time?

Mr. CARNS. Yes, sir.

The CHAIRMAN. Very few of them are permitted to remain under you long enough to learn the trade?

Mr. CARNS. I do not think I ever had any over three years.

The CHAIRMAN. They are detailed somewhere else?

Mr. CARNS. They are taken out at times; yes, sir.

The CHAIRMAN. And detailed to some other duty?

Mr. CARNS. Yes, sir.

The CHAIRMAN. Have you ever been able to turn out a pupil that has been able to do the class of work you seek to teach him to do?

Mr. CARNS. I have; yes, sir.

The CHAIRMAN. How many?

Mr. CARNS. I do not remember. Probably I could name a dozen or so if I look over my list.

The CHAIRMAN. That is a good trade, is it not? There is quite a demand for skillful carriage painters?

Mr. CARNS. We do not get much chance on carriage work, because there is a carriage maker on the ground here most of the time outside.

TESTIMONY OF MARTIN L. LAU.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your employment?

Mr. LAU. Carriage maker.

The CHAIRMAN. Have you a shop here for the instruction of pupils?

Mr. LAU. Yes, sir.

The CHAIRMAN. How many pupils are detailed for your department?

Mr. LAU. It is different; they run from 18 up to—at the present I have 25.

The CHAIRMAN. How long does it take you ordinarily, or should it take you, to properly instruct your students in that work?

Mr. LAU. Not less than three years—that is, actual work.

The CHAIRMAN. What is the custom here, with reference to permitting them to remain, or detailing them to other work?

Mr. LAU. The students are detailed to other work before they get a right start. Some few stay there until they are pretty good wagon makers.

The CHAIRMAN. What per cent of them stay there and learn the trade?

Mr. LAU. Not over 2 per cent.

TESTIMONY OF JOHN A. HERR.

The witness was duly sworn by the chairman.

The CHAIRMAN. You have charge of the carpenter shop?

Mr. HERR. Yes, sir; the carpenter shop.

The CHAIRMAN. Is the shop pretty well equipped?

Mr. HERR. Yes; very well equipped.

The CHAIRMAN. Properly equipped for instruction work, is it?

Mr. HERR. Yes, sir.

The CHAIRMAN. How many pupils are usually detailed for instruction in your department?

Mr. HERR. I could average in the winter time 40 to 41; sometimes 42.

The CHAIRMAN. Do the pupils here take to the carpenter's trade pretty well?

Mr. HERR. Oh, a certain per cent; not all.

The CHAIRMAN. Do you know how they are chosen; how the superintendent or disciplinarian, or whoever it is makes the detail, determines what number shall come to you?

Mr. HERR. As far as I know, I think the boys are allowed to walk around and select their place.

The CHAIRMAN. They are given some option?

Mr. HERR. Yes, sir; I think so.

The CHAIRMAN. I believe I asked you how long it took to teach a boy to become a fairly good carpenter?

Mr. HERR. No. They should be there from two and a half to three years, at any rate.

The CHAIRMAN. Are the boys that are detailed to you permitted to stay there that long?

Mr. HERR. No, sir; may be 7 per cent, may be 6 per cent, out of these 40.

The CHAIRMAN. Have you made any suggestions to the authorities in the school here that that system ought to be changed and you be given a chance to teach the boys so as to make them capable of following the trade, and thus vindicate your position as instructor?

Mr. HERR. I have mentioned that to them frequently; yes, sir. We have talked that matter over, that to make practical mechanics of them they should be kept in the shop.

The CHAIRMAN. How is the construction work on the new buildings done, by student labor or by outside labor?

Mr. HERR. Some of them.

The CHAIRMAN. What percentage of it?

Mr. HERR. Since I am here most of it has been done by student labor.

The CHAIRMAN. Is it not a fact that all of the new buildings were constructed by outside labor?

Mr. HERR. Yes, sir; all the new buildings—no, sir; there is two new buildings that was not. There is two buildings done here that was not.

The CHAIRMAN. If you had a proper detail and were permitted to keep boys long enough to teach them, you ought to be able to construct such buildings almost entirely by student labor?

Mr. HERR. Certainly; we could do that during the summer season if the boys were left here.

The CHAIRMAN. The boys are entitled to that instruction?

Mr. HERR. I think so; yes, sir.

Representative STEPHENS. You think the outing system, then, is the reason why none of the boys can graduate in these industrial pursuits?

Mr. HERR. I think undoubtedly that is the reason.

Representative STEPHENS. Many of them do not return at all, I understand.

The CHAIRMAN. Does the football work interfere with your work?

Mr. HERR. Yes, it does to some extent. They are taken away from there, you know.

TESTIMONY OF WILLIAM C. SHAMBAUGH.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the blacksmith here?

Mr. SHAMBAUGH. Yes, sir.

The CHAIRMAN. Do you teach blacksmithing to the pupils?

Mr. SHAMBAUGH. Yes, sir; I do the general work for the school, too; yes, sir.

The CHAIRMAN. How many pupils do you instruct?

Mr. SHAMBAUGH. Now, last month I had 26.

The CHAIRMAN. Do they learn it pretty well?

Mr. SHAMBAUGH. Not the full blacksmithing. I do not pretend—I try to make them good, efficient helpers. The last year they got a number of applicants for boys to go out in shops for the summer, and they get the real work there of a general blacksmith.

The CHAIRMAN. What length of time does your course contemplate?

Mr. SHAMBAUGH. Three years—that is, out in the shop. That is what I served.

The CHAIRMAN. What do they pay you here?

Mr. SHAMBAUGH. \$800 a year.

The CHAIRMAN. How many boys do they detail, you say?

Mr. SHAMBAUGH. I had 26 last month, I think. I think I had 13 in the forenoon and 13 in the afternoon. This month, now, I have had one or two more.

The CHAIRMAN. Are you furnished with quarters here?

Mr. SHAMBAUGH. No, sir; I asked, but they refused to give me quarters. When I came here I came under the conditions that I was to get my \$900, the same as the other men, and they said they did not have quarters; and, of course, Mr. Mercer left, and this man—I asked this man also, and he did not give me any quarters, and I did not get my raise either.

The CHAIRMAN. Neither the wagon maker, the tinner, the painter, nor the carpenter get quarters?

Mr. SHAMBAUGH. No, sir. I don't know whether the others asked. I know some of the rest did ask and were refused.

The CHAIRMAN. What percentage of the boys detailed to you learn the trade?

Mr. SHAMBAUGH. A very small percentage.

The CHAIRMAN. Why?

Mr. SHAMBAUGH. Of course, this last year or so it is not so bad, but heretofore they used to change the boys and take them out, and the boys had lost interest in the business, and only a boy that had aptitude would stick to it and learn the business. It is about three years now that they have had the outing system now, and they go out and earn a little money and also learn. There might be 8 or 10 boys I could mention that are carrying on business for themselves and working that have made a success of it.

The CHAIRMAN. Does the superintendent appear to be interested in the boys who engage in this work? Does he come around the shop there?

Mr. SHAMBAUGH. He walks through, but he seldom stops and gives any encouragement. He finds faults sometimes with things that are absolutely unnecessary, in my estimation.

The CHAIRMAN. He does not give you much encouragement, or the boys either?

Mr. SHAMBAUGH. No, sir.

The CHAIRMAN. Do you know that the boys complain that they do not get enough to eat?

Mr. SHAMBAUGH. Yes, sir.

The CHAIRMAN. What is their feeling generally, so far as you know it, toward the superintendent?

Mr. SHAMBAUGH. The majority of them have lost respect for their heads.

The CHAIRMAN. And they manifest that?

Mr. SHAMBAUGH. Yes, sir.

Representative STEPHENS. Are there any buildings on the grounds belonging to the school that would be available for housing you gentlemen?

Mr. SHAMBAUGH. I do not know. They have one right up here, next to the superintendent, that is empty, for friends. I don't know whether the friends have more money than the industrial men here or not. Down here is Mr. Warner, the athletic man; he has got one. Here is a nice place where a man has a whole house; that is, Mr. Stauffer.

The CHAIRMAN. Room could be provided for both families?

Mr. SHAMBAUGH. I think so. Up here is a nice house that the assistant superintendent used to be in. It would be a nice house for a man that had a family.

Representative STEPHENS. Have any of you ever represented these facts to the authorities?

Mr. SHAMBAUGH. When he put up the double cottage that the carpenter spoke of I asked them for quarters, and he said that he could not give individual quarters to the industrials at that time.

TESTIMONY OF H. GARDNER.

The witness was duly sworn by the chairman.

The CHAIRMAN. What are your duties here, Mr. Gardner?

Mr. GARDNER. Assistant carpenter.

The CHAIRMAN. Do you give any instruction to the pupils?

Mr. GARDNER. I do.

The CHAIRMAN. Would it be practicable, in your judgment, for the carpenter and assistant carpenter with proper details of students to do the work on the buildings—the repair work and construction work?

Mr. GARDNER. New buildings? I do.

The CHAIRMAN. How is it now done, generally?

Mr. GARDNER. Here of late we have been hiring a good bit of outside help, and the boys are sent out on farms. That is about why we do not get our buildings accomplished.

The CHAIRMAN. Who constructed the old buildings here?

Mr. GARDNER. I did, sir.

The CHAIRMAN. How was that done? Was that done with student labor principally?

Mr. GARDNER. The biggest part of it. The building you are in now was built by the boys.

The CHAIRMAN. Who was superintendent at that time?

Mr. GARDNER. Gen. Pratt.

The CHAIRMAN. How is the discipline compared to what it was under other administrations?

Mr. GARDNER. Well, it is not what it ought to be.

The CHAIRMAN. What is the feeling among the pupils toward the superintendent?

Mr. GARDNER. Well, I could hardly tell you that.

The CHAIRMAN. Do you know whether they respect him or not? Do you have any evidence of their feeling toward him?

Mr. GARDNER. No; nothing more than I was told. I did not see it, but I was in the quarters here some time ago and they hooted at him.

TESTIMONY OF HARRY B. LAMASON.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your occupation here?

Mr. LAMASON. Mason.

The CHAIRMAN. Brick mason?

Mr. LAMASON. Brick, stone, plaster, and cement.

The CHAIRMAN. Do you give instructions to students in this work?

Mr. LAMASON. I try to.

The CHAIRMAN. How many are usually detailed to your department?

Mr. LAMASON. Sometimes I have as high as 18 or 20, and sometimes none.

The CHAIRMAN. How many could you properly handle?

Mr. LAMASON. As many as they could give me.

The CHAIRMAN. Within what limit?

Mr. LAMASON. Well, I could handle 50, if I had the room, very nicely.

The CHAIRMAN. Have you had an opportunity of completing the training of the pupils assigned in this work? Do they take them out from your detail, as in other cases, and send them somewhere else?

Mr. LAMASON. That is it.

The CHAIRMAN. Have you ever suggested to the management here that that was an injustice to you and the pupils, in that it gave you no opportunity of showing what your ability for this training is, nor what the pupils could accomplish under it?

Mr. LAMASON. I have had a great deal of trouble in that respect.

The CHAIRMAN. To whom have you applied about it?

Mr. LAMASON. The quartermaster, from whom I get most of my orders, and also the superintendent.

The CHAIRMAN. What information do you get from them?

Mr. LAMASON. It is not very encouraging.

The CHAIRMAN. In your judgment, does the management of the school take a sincere interest in developing this work in this institution?

Mr. LAMASON. It is not instruction; it is a producer. Instruction is a secondary matter.

The CHAIRMAN. Instead of using it chiefly to train the boys to learn the trade they use it for a source of profit to the institution?

Mr. LAMASON. Yes.

The CHAIRMAN. Have they ever hired outside masons and plasterers to do the work you and the boys could have done?

Mr. LAMASON. Not in the last two or three years. These cottages was all done by outside labor, and the school building. We could have done it.

The CHAIRMAN. Do you know the relationship between the superintendent and the pupils generally?

Mr. LAMASON. From my general experience, it has not been very pleasant.

The CHAIRMAN. Do the pupils seem to respect him?

Mr. LAMASON. Not very much.

Representative STEPHENS. Do you mean to say the reason why so many boys are sent away from these trades to the country is because of the fact that they want the money for the school?

Mr. LAMASON. No; I don't mean that. The outing system, in my line of business, is the finest thing they could get. I have applications that they have refused to have go for \$3 a day. One of them tells me that he is getting \$4 a day.

Representative STEPHENS. The outing agent interferes with the boys?

Mr. LAMASON. He does in that respect.

The CHAIRMAN. Why did he want them to take less than they were offered? Do you know?

Mr. LAMASON. Well, I can not tell you, unless it is this: He talked to me afterwards. He says, "I spent \$1,000 and three years in school, and I don't think it is right for these boys to go out and make more than I make." That is the answer he made to me.

TESTIMONY OF JOHN BOLTZ.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the shoemaker?

Mr. BOLTZ. Yes, sir.

The CHAIRMAN. How long have you been shoemaker at the Carlisle School?

Mr. BOLTZ. Since three years last December, about the 15th of the month.

The CHAIRMAN. Do you give instruction to pupils in making shoes?

Mr. BOLTZ. Yes, sir.

The CHAIRMAN. Do you also do repair work for the school?

Mr. BOLTZ. Yes, sir.

The CHAIRMAN. Do you make shoes?

Mr. BOLTZ. Yes, sir.

The CHAIRMAN. How many pairs do you make in your shop in a given year?

Mr. BOLTZ. I think, close on to 200 pair last year.

The CHAIRMAN. How many boys are detailed to study shoemaking?

Mr. BOLTZ. During last month, something like 11.

The CHAIRMAN. They can not learn that business very quickly, can they? How long does it take?

Mr. BOLTZ. Of course, they could come and get an idea in a couple of years, but they ought to have three years.

The CHAIRMAN. How many have worked that long?

Mr. BOLTZ. Very few.

The CHAIRMAN. What per cent of those assigned to you?

Mr. BOLTZ. I should say, of the 18, there would not be more than four or five, probably.

The CHAIRMAN. If they gave you plenty of work and the work was encouraged so that the pupils took hold of it and pursued it with interest for the purpose of making it a trade, could you do all the shoe work necessary for the school?

Mr. BOLTZ. That is quite a hard matter for me to settle. Of course, if I had more experienced boys we could make more.

The CHAIRMAN. Would it not be a good plan to try to develop the work so as to do that?

Mr. BOLTZ. I think it would; yes, sir.

The CHAIRMAN. How long do they let the boys stay there?

Mr. BOLTZ. They make very frequent changes.

The CHAIRMAN. Do they consult you?

Mr. BOLTZ. No; they do not.

The CHAIRMAN. Do they come to you to find out what progress a boy is making before they change him? Do they sometimes take away your very best employees?

Mr. BOLTZ. Very often. That is where I think they make a very big mistake, by not consulting me before they make a change.

The CHAIRMAN. To a man that confesses that he does not know anything about it, it would seem if they were trying to give instruction they would not take anybody out of the work that was making rapid progress and had a chance to become skillful in the trade.

Mr. BOLTZ. A certain boy I just had last month, he takes a big interest in shoemaking—they took him out, and the boy promised he would come back next month. That is very often the case, and that is a drawback in the shop.

The CHAIRMAN. You get a salary of \$660?

Mr. BOLTZ. Yes, sir.

The CHAIRMAN. You have to pay your rent?

Mr. BOLTZ. Yes, sir.

The CHAIRMAN. Do you get any supplies from the farm?

Mr. BOLTZ. No, sir.

TESTIMONY OF ROBERT B. GEORGE.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the tinner here?

Mr. GEORGE. Yes.

The CHAIRMAN. Have you a shop and do you give instruction to pupils in your work?

Mr. GEORGE. Yes, sir.

The CHAIRMAN. How many men can you instruct in that trade at a time?

Mr. GEORGE. Well, I had 16 last month. This month I am 2 short.

The CHAIRMAN. Is that the capacity of your shop to instruct?

Mr. GEORGE. It is according to my tools. I have not tools enough, in fact, for that.

The CHAIRMAN. How long does it take to learn the tinning trade?

Mr. GEORGE. They ought to be there three years.

The CHAIRMAN. How long have you been there?

Mr. GEORGE. Three years the first of last January.

The CHAIRMAN. How many boys have you under you now that have been with you continuously or approximately so?

Mr. GEORGE. I have two boys that were with me part of last year. Then, of course, they went to the outing and stayed out.

The CHAIRMAN. So that you have not had an opportunity of completing anyone in that course?

Mr. GEORGE. No, sir.

The CHAIRMAN. Have you complained or suggested to the management of the school the inadvisability of this system that makes it impossible for you to show your efficiency as instructor?

Mr. GEORGE. I spoke of it to the quartermaster.

The CHAIRMAN. What does he say?

Mr. GEORGE. Well, we don't get any satisfaction from him. He seems to think the plan is to keep them moving about. Especially when we have some big work in the summer time and not many boys, I would go to him and make a real complaint and tell him we would have to have more.

The CHAIRMAN. Most of the boys you had last year you have already said are on farms?

Mr. GEORGE. Yes, sir.

TESTIMONY OF R. C. RENNEKER.

The witness was duly sworn by the chairman.

The CHAIRMAN. Do you run the bake shop for the school?

Mr. RENNEKER. Yes, sir.

The CHAIRMAN. In connection with that do you do any work in instructing the pupils?

Mr. RENNEKER. Yes, sir.

The CHAIRMAN. Has the shop capacity enough to make enough bread to supply the school?

Mr. RENNEKER. Yes, sir.

The CHAIRMAN. How much bread do you make daily?

Mr. RENNEKER. Well, it runs different. Some days I could average about 1,000 loaves a day, and other days about 1,500 to 1,600 a day. Last week I had two days that it ran 1,500 or 1,600, and the other days 1,000 loaves, but this week it ran three days 1,500. I can bake more. It is just as easy to bake more.

The CHAIRMAN. Do you bake the amount you are instructed to bake, or do you—

Mr. RENNEKER. That is the thing. I generally do the best that I know how. I figure on so many pounds of bread, or so many loaves to a meal.

The CHAIRMAN. Who determines how many loaves shall be baked for a meal?

Mr. RENNEKER. We run it this way. One day last week the dining-room matron—she will say "We had bread left over for dinner." The next day it may be they will be a way short. It is hard to regulate.

The CHAIRMAN. Are you not furnished a regular ration to bake and prepare for the tables?

Mr. RENNEKER. Well, they are telling me right along that I am running over on the flour. So I estimate one day what I should do. He says, "You are only supposed to use 600 and some a day." Well, they were kicking for more bread and I was trying to get along the best I knew how.

The CHAIRMAN. There was great complaint?

Mr. RENNEKER. Oh, yes; there was complaint about the bread and yet I was still issuing more. And then when I would hand my report in they would say, "I don't know what we will do. Your are going

over your allowance." Last month it ran, I guess, 300 pounds over the allowance.

The CHAIRMAN. On the one hand the pupils were complaining greatly that they were not getting enough bread, and on the other hand the quartermaster was complaining that you were consuming too much? I suppose it is needless to ask you if you were baking all the flour you were consuming?

Mr. RENNEKER. Oh, yes, sir; I was cooking from 700 pounds a day to 1,100 pounds a day. I averaged some days 1,100 pounds. This week I averaged three days 700 pounds.

The CHAIRMAN. What caused you to bake more recently?

Mr. RENNEKER. The dining-room matron said Mr. Linnen said they were not getting enough bread and they should have more. So I said, "We will give them all they can eat." I don't know what to do.

Senator LANE. Haven't you got a regular ration of bread?

Mr. RENNEKER. Just the allowance of flour.

Senator LANE. But you knew definitely how many loaves that will make? You know how many slices it will cut?

Mr. RENNEKER. A barrel of flour will average 300 loaves. This flour is weak—it is county flour. It does not produce the bread that western flour does. Western flour produces maybe 310 to 312 or 315 loaves to a barrel. This runs sometimes not 300.

Senator LANE. It is short in gluten?

The CHAIRMAN. What else do you bake besides bread?

Mr. RENNEKER. Now, I bake gingerbread, corn bread, and pies.

The CHAIRMAN. How long have you been doing that?

Mr. RENNEKER. That I have been doing all along, and rolls. I always baked rolls until about January. The quartermaster said to give them rolls, but it does not seem to make any effect on the bread. It seems to me to take just as much bread. They seem to carry them out in their pockets. So he said, "Don't make any more rolls until we catch up with the flour." Well, I have been catching up, and I have not made any yet. We made rolls on Wednesday, corn bread on Thursday, gingerbread on Friday, and pies on Saturday.

The CHAIRMAN. How many pies do you make on Saturday.

Mr. RENNEKER. To-day I made 155.

The CHAIRMAN. Is that the regular number you have been making?

Mr. RENNEKER. One hundred and fifty I was running.

The CHAIRMAN. What kind of pies were those?

Mr. RENNEKER. To-day I made plum pie.

The CHAIRMAN. I think I can testify that they were very good. Would 150 pies go around to the pupils and employees?

Mr. RENNEKER. Just the students.

The CHAIRMAN. How many students are there here?

Mr. RENNEKER. Now, I don't really know; I think 816.

The CHAIRMAN. Eight hundred and sixteen pupils. That would not make a slice around, would it?

Mr. RENNEKER. They are only figuring on 509, or something like that.

The CHAIRMAN. So they get pie once a week, ginger bread once a week, corn bread once a week?

Mr. RENNEKER. And rolls; they always did until January.

The CHAIRMAN. And the rest of the bread served is light bread?

Mr. RENNEKER. Yes, sir.

Senator LANE. Have you turned out any accomplished bakers, who have learned their trade from you?

Mr. RENNEKER. I tell you the boys here can not go quite far enough to go in a shop and run it. My boys, two of them, was here when I came, and they asked me to get them work, and I got both of them work in bake shops last summer, and the summer before, and they are holding their jobs.

Representative STEPHENS. Have you heard any complaints among the students about not having enough food to eat?

Mr. RENNEKER. Oh, lots of them.

Representative STEPHENS. For how many months or years?

Mr. RENNEKER. I have been here a year last May, and ever since I have been here I have heard them complain for more bread. My shop is not altogether sanitary for baking.

Representative CARTER. What is your judgment? Do you think the boys were getting enough bread?

Mr. RENNEKER. I really don't know. The boys stick the bread in their pockets, maybe half of them, and the other half won't get the bread. They carry the bread out of the dining room, and there is where they run short of bread. The matron tells me if they would not carry that bread out of the dining room they probably would have enough to eat.

Senator LANE. How many students are there?

Mr. RENNEKER. Eating in the dining room? Five hundred and sixty, they tell me.

Senator LANE. How many altogether?

Mr. RENNEKER. Really I couldn't say.

The CHAIRMAN. Eight hundred and sixteen, somebody says.

Senator LANE. Where do the rest of them eat?

Mr. RENNEKER. At the hospital and the teachers' quarters.

The CHAIRMAN. Don't you bake bread for them?

Mr. RENNEKER. No; they get flour from me. They feed the students at the teachers' quarters, but I issue them flour, about 100 pounds a month. In January they got 100 pounds a month. I don't know how much they are allowed, but when the quartermaster tells me to I give it to them.

Thereupon at 6.30 p. m. a recess was taken.

AFTER RECESS.

The commission reassembled at 8.15 o'clock p. m. at the New Wellington Hotel, Carlisle, Pa.

TESTIMONY OF MISS VIRGINIA PENROSE.

The witness was duly sworn by the chairman.

The CHAIRMAN. You reside in Carlisle?

Miss PENROSE. Yes.

The CHAIRMAN. Are you acquainted with Supt. Friedman?

Miss PENROSE. I am.

The CHAIRMAN. Are you familiar with conditions existing at the Carlisle School?

Miss PENROSE. I am.

The CHAIRMAN. Do you know the present conditions in the school with reference to discipline? Are you in the habit of visiting the school?

Miss PENROSE. Oh, yes. I go out quite often. We have guests staying with us, and it is one of the things we have that we take them out to see. I was out there only last fall. I went through the kitchens. My guests and I went out there, and we went through the kitchens just before they served dinner, and my aunt made the remark how fortunate those men were to have such good food.

The CHAIRMAN. Were you in the dining room at the time the meals were being served?

Miss PENROSE. We went through the kitchen before, and then when the meal was being served we were in the dining room, and my aunt made the remark how fortunate those men were.

The CHAIRMAN. Do you know whether or not the complaint is made that the food is insufficient in quantity?

Miss PENROSE. I have not heard it. I have only heard it from the "fanatics" I call them.

Senator LANE. How long since?

Miss PENROSE. Only recently; only since this last trouble.

Senator LANE. Do you eat oatmeal gruel for breakfast?

Miss PENROSE. Every morning.

Senator LANE. Then let me ask you something. The oatmeal ration there is 5 pounds of oatmeal for 100 people.

Miss PENROSE. Is it gruel?

Senator LANE. No; it is put with enough water to make a porridge for 100 people. Would that strike you really, as a housekeeper, as being enough?

Miss PENROSE. Well, I hardly know. I think if they made it very soft, I think it would be.

Senator LANE. You think that would be enough?

Miss PENROSE. Of course, I only supply for a few people—just two or three.

Senator LANE. Now, then, a half pound of 20-cent tea—you don't buy that kind, do you?

Miss PENROSE. We buy 50-cent tea.

Senator LANE. 20-cent tea, Oolong, black, for 100 people—

Miss PENROSE. Well, I don't know. I have an aunt who is very rich, in Philadelphia, and she buys what they call "charity" tea from Christison in New York for 25 cents a pound. She uses that.

Senator LANE. Would that strike you as being good rich tea?

Miss PENROSE. I should not think it would be; no. Of course I could not tell, because I do not drink any tea. I could tell you more about coffee, perhaps.

Senator LANE. That attracted my attention; and when you spoke about the meal being well prepared—

Miss PENROSE. I saw what they had for dinner that day. They had very good meat, and potatoes—

The CHAIRMAN. Do you know how often they have potatoes?

Miss PENROSE. No.

The CHAIRMAN. Do you know how often they have meat?

Miss PENROSE. I thought they had meat every day.

Senator LANE. They cooked up to-day 415 pounds of meat for 615 people. Now, I used to be superintendent of a hospital. I

cooked for 600 people—just the same number. I cooked 600 pounds, and they used meat for two meals.

Miss PENROSE. Are not things a good deal more expensive?

Senator LANE. Yes, they are; but that does not satisfy your appetite.

The CHAIRMAN. You were stating a while ago, before the commission met, that you would give something about the circumstances that led up to the disturbances. If you know what they are, I would be glad to have you state.

Miss PENROSE. The statement was what I had gathered of these women that I think are fanatics, and they started up because they are against the Roman Catholics.

The CHAIRMAN. You think all the trouble in the school is due to religious dispute?

Miss PENROSE. I think it is. I wish to say another thing. When they found Mr. Friedman went to the Episcopal Church last year, I think it made it more so.

The CHAIRMAN. Do you know how many of the children are Catholics? As a matter of fact, the number of Catholic pupils in the school appears to be only about one-fourth of the pupils.

Miss PENROSE. I feel myself that it would be a great deal better for them to go to the Catholic Church—the Indians. That is what I told Miss Richards when she asked me last year. She said, "Do you go out to the Indian school and take any interest in the boys and get them to go to your church?" I said, "No." I said, "What are you doing with them at your house?" "What right have you?" She said, "Well, I am going to keep him from going to the Catholic Church." I said, "Well, if he wants to go to the Catholic Church, let him go there."

The CHAIRMAN. You think it would be well for him to go to church somewhere?

Miss PENROSE. They would do anything against the Catholic Church.

The CHAIRMAN. Who is that?

Miss PENROSE. Miss Jean Richards.

The CHAIRMAN. Who is she?

Miss PENROSE. She lives here in town. She lives on West Pomford Street. I used to see quite a little of them; I used to go down there; and the older sister, Miss Ann Richards, I was very fond of; but I got into such a violent discussion I made up my mind I would never go into the house again, if I could help it.

The CHAIRMAN. Are you personally familiar with conditions at the school? What opportunity have you had of knowing?

Miss PENROSE. Well, I have been out there. I have been a visitor.

The CHAIRMAN. How long ago was the last time?

Miss PENROSE. To go through the school?

The CHAIRMAN. Yes; to make observations?

Miss PENROSE. I was out there last October. I went through the school, as I said, taking my friends out there.

The CHAIRMAN. Have you ever examined the beds?

Miss PENROSE. No; because I never went into those quarters, except just simply to pass through different departments.

The CHAIRMAN. Do you know what the state of feeling is between the pupils generally and the superintendent?

Miss PENROSE. No; I do not. I have only heard recently of this feeling, since the Indians have been persuaded by certain parties in town to sign a petition against Mr. Friedman.

The CHAIRMAN. What people are you speaking of?

Miss PENROSE. These fanatics, the Richards and all those fanatics.

The CHAIRMAN. I can not be expected to know all the fanatics, you know.

Senator LANE. And you think they interfere?

Miss PENROSE. I think they have interfered decidedly.

Senator LANE. And they are not Catholics?

Miss PENROSE. No; they are Presbyterians, the bluest kind.

Senator LANE. We had not heard of this.

Miss PENROSE. Dr. Walker went down to this auxiliary last winter that I went to in Mechanicsburg. He said he felt really that the superintendent favored the Catholic churches.

Senator LANE. The Catholic children out there complain that they are not getting the privileges of their church.

Miss PENROSE. This is what Dr. Walker said. He said he thought they entirely sympathized with the Catholics, and allowed the Catholics——

The CHAIRMAN. They complain the other way.

Miss PENROSE. He states the girls feel as though they are cut out. The girls are not allowed to go to the early morning mass, because they are not allowed to have a chaperone, and they could not get a volunteer to take the girls in to church in the early morning.

Senator LANE. Something of that sort. Now, there is out there, I will say to you, a great deal of dissatisfaction among the students against the management of the institution. How it arose we do not know.

Miss PENROSE. I think it is incited by these people in town.

Representative STEPHENS. Have you seen any drunkenness among the pupils?

Miss PENROSE. I have never seen one.

Senator LANE. Now, last night there were seven boys in the guard-house locked up for drunkenness.

Miss PENROSE. It is probably very hard to control.

Representative STEPHENS. You do not know anything about the moral conditions?

Miss PENROSE. No, I do not.

The CHAIRMAN. Do you know anything about the academic or vocational work that is done?

Miss PENROSE. I have been through the school just to see the school. I have only been through the school to see the children doing their work, like dressmaking, and things like that. They seem to be doing well. That is all I can tell you.

The CHAIRMAN. Are the people in the town attached to the Carlisle school generally?

Miss PENROSE. Yes, I think they are attached to it. They are rather proud of it; they take their friends out to see it.

The CHAIRMAN. Thank you very much. We are very glad to have had your statement.

TESTIMONY OF MRS. EMMA H. FOSTER.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are one of the teachers at the Carlisle Institute?

Mrs. FOSTER. I am.

The CHAIRMAN. How long have you been employed there?

Mrs. FOSTER. Eleven years next September.

The CHAIRMAN. Are you familiar with conditions at the school, and with the progress that is being made in the work generally?

Mrs. FOSTER. Why, I think so.

The CHAIRMAN. What is your assignment?

Mrs. FOSTER. I have the senior class.

The CHAIRMAN. You are teacher of the senior class?

Mrs. FOSTER. Yes.

The CHAIRMAN. What salary do you get?

Mrs. FOSTER. I get \$810. I get \$810 for teaching in the academic department, and since last September I have had charge of the Y. W. C. A. work, and I am paid \$15 a month for that.

The CHAIRMAN. That is out of the athletic fund?

Mrs. FOSTER. I do not know.

The CHAIRMAN. I would be very glad to have you go ahead and make a statement as to what you know concerning conditions out there?

Mrs. FOSTER. In my own way?

The CHAIRMAN. Yes.

Mrs. FOSTER. In what respect?

The CHAIRMAN. You prefer to be questioned?

Mrs. FOSTER. Yes; I want to do the right thing, and I wish you would ask me questions.

The CHAIRMAN. What is the condition of the discipline in the school?

Mrs. FOSTER. Why, I have been there eleven years under the three superintendents, and always during that time—without casting any reflections on the superintendents at all—we have had more or less immorality, we have had runaways, drunkenness, and all those things more or less.

The CHAIRMAN. What is the condition in the school now compared with other administrations with reference to discipline?

Mrs. FOSTER. I was under Gen. Pratt two years, and Gen. Pratt was fortunate in having a splendid disciplinarian who was intensely loyal to him—Mr. Thompson. He had a personality that made the children fear him?

The CHAIRMAN. Did they respect him?

Mrs. FOSTER. I think they did.

The CHAIRMAN. Do the pupils in the school generally respect the present superintendent?

Mrs. FOSTER. Yes, they do—well, let me go back. Up to December sometime the school was harmonious, and we were all happy; and we were congratulating ourselves on the way things were going. Suddenly there were rumors that the children were getting up petitions, and they were unhappy and doing all sorts of things. I know Indian children. If I talk too long I don't know whether I will say too many things—but I will go on in my own way.

You know, we have had the measles. The children were quarantined, and they became restless. They naturally crave excitement—they have had a great deal of it—and it seems to me it was more for excitement than anything else. When Mr. Friedman came there the children seemed to like him, and of course there were murmurs every once in a while. There were under the three superintendents for that matter, if anyone listened to them. And they were growing in respect for him until just before the holidays. What brought about that change I do not know; I could not swear to that. I surmise, but I could not swear to that. I do know that I have heard employees speak disrespectfully of him. I have heard people call him "Moses" before the children.

The CHAIRMAN. You mean employees there at the school?

Mrs. FOSTER. Yes; I have heard Miss Canfield speak of him as "Moses." I have heard Mr. Whitwell find fault with him and throw all the responsibility on him and speak as though he were hampered and could not have his own way about anything at all, right before the children, and of course the children are very susceptible to those influences. So of course the discontent has grown.

The CHAIRMAN. There is now a feeling of hostility between the superintendent and the pupils quite generally?

Mrs. FOSTER. Quite generally, but if they feel they are not listened to—I speak from long years of experience—

The CHAIRMAN. I do not care to argue it; I am simply asking about the facts.

Mrs. FOSTER. Yes; that is recent.

The CHAIRMAN. You think it is due to efforts on the part of employees of the school to arouse them in insurrection?

Mrs. FOSTER. I think it has a great deal to do with it; and I think that that atmosphere of opposition, that they can feel at once, has influenced them.

The CHAIRMAN. How do the girls get along with the matron?

Mrs. FOSTER. They. They find a great deal of thought because she wants to do right by them.

The CHAIRMAN. You think she is right and they are wrong.

Mrs. FOSTER. I do; I do. She may be a little hasty sometimes, but she has their interest at heart, and she is trying to bring order out of chaos. There is no doubt about that.

The CHAIRMAN. Has she succeeded, in your judgment?

Mrs. FOSTER. She has, up to Christmas time when this discontent arose.

The CHAIRMAN. When did this trouble begin?

Mrs. FOSTER. Just about the holidays.

The CHAIRMAN. Up until the holidays conditions were fairly satisfactory?

Mrs. FOSTER. I say, we were congratulating ourselves upon peaceful conditions. The school had started right, and we were generally quite happy.

The CHAIRMAN. What is the general character of the student body there with reference to being orderly or disorderly?

Mrs. FOSTER. Why, they are orderly.

The CHAIRMAN. Are Indian pupils easily controlled or difficult to control?

Mrs. FOSTER. Oh, easily controlled. They have the greatest sense of justice. I have never sent a pupil to the principal myself. Never until the last few days have I felt any opposition in my schoolroom. Now, Rose Lyons and some of the girls have been sent for to come down to the office. I do not know what it is, but certainly they have changed. It is the first time in 22 years that I have ever had such an experience as that.

The CHAIRMAN. When was the first time you began to discover opposition?

Mrs. FOSTER. Not strong opposition; it was just the girls. Three or four of them—Marguerite Chilson, Rose Lyons, and one or two others—showed a difference in their manner, and yet at the same time they acted a little ashamed of it.

The CHAIRMAN. Do you have any trouble controlling your pupils?

Mrs. FOSTER. I never have had. I think they are the easiest children to control. I think discipline is whatever the head of the department—the attitude of the head of the department toward the children. It takes patience and considerable vigilance.

The CHAIRMAN. Do you think Mr. Friedman is affectionate toward the pupils?

Mrs. FOSTER. I am positive he has their interest at heart.

The CHAIRMAN. I asked you if he was affectionate toward the pupils.

Mrs. FOSTER. Yes; I think he has an affection for the pupils. He is not a demonstrative man.

Representative CARTER. You say you think the pupils are wholly to blame in their trouble with Miss Ridenour?

Mrs. FOSTER. Wholly to blame?

Representative CARTER. Yes.

Mrs. FOSTER. I tell you, I think like this, if I may go back. The change from Miss Gaither to Miss Ridenour was very great. They are entirely different personalities. Miss Gaither is fond of a joke. In the first place, I want you to understand that I am very fond of Miss Gaither, but she is not the disciplinarian that Miss Ridenour is. When Miss Ridenour first came they naturally resented the manner she took with them, because she would be obeyed. I do not hear them myself, but I know she has had trouble with them and they were disrespectful.

Representative CARTER. She has had to inflict corporal punishment upon quite a good many of them, has she not?

Mrs. FOSTER. I never knew it.

Representative CARTER. We got that from her herself.

Mrs. FOSTER. It has not come to me. I think that is Rose Whipper. She is a full-blooded Sioux girl.

Representative CARTER. Do you know anything about the trouble she had with Julia Hardin?

Mrs. FOSTER. Only from hearsay. She did not come to me, but Rose did. Rose came to me and wept bitterly. I said, "Rose, were you not in the wrong too?" And she saw it as I did.

Representative CARTER. Without criticizing either side, what do you think about corporal punishment for grown girls?

Mrs. FOSTER. I have a daughter of my own, and I have never touched her, nor would I permit anyone else to do so; but I have never been tried that way. I do not know—of course, I think it is an

indignity, but when a girl herself owns up she needed it it seems to me it is the right thing.

Representative CARTER. How do you feel toward a person who does inflict corporal punishment?

Mrs. FOSTER. I would not have it with my own daughter, but my daughter was brought up differently. I have heard these children say, "I like people that are strict." Indians very often say that. They like people that are strict, if that strictness is tempered with justice.

But when Miss Ridenour came, to go back to that, most of the girls were fond of Miss Gaither, and they resented the change; but Miss Ridenour is a woman who is trying to do right. I do not see how anyone can look at her and doubt that. She has an affection for the girls. She has made a wonderful change in those quarters. Oh, I certainly feel this. I don't know what the outcome is going to be at all, but I certainly feel this strongly, that it would be a dreadful thing to take away Miss Ridenour or Mr. Friedman now. The children would have a cinch on the situation. They are sensing that now, saying "See what we can do." Mr. Friedman is a clean man, and he has improved perfectly wonderfully since he came. He would be a hard man to succeed.

Representative STEPHENS. Is there any complaint about their not getting enough to eat?

Mrs. FOSTER. Oh, they do that at every school. Under Mr. Pierce there were the bitterest complaints. That is the general complaint at every Indian school.

Representative STEPHENS. They always have good bread over here, and they have plenty of it?

Mrs. FOSTER. I have never heard them say that they did not have enough bread; I never have. They often make fun of the gravy.

Representative STEPHENS. Do you know how often they get butter?

Mrs. FOSTER. I think only twice a week.

Representative STEPHENS. Potatoes?

Mrs. FOSTER. No; I don't know. They have had more vegetables under this administration than ever before.

Representative STEPHENS. They get meat, and bread, and broth, as a rule?

Mrs. FOSTER. And gravy, always gravy; and pie certain days.

The CHAIRMAN. Thank you, Mrs. Foster. We are glad to have had your testimony.

TESTIMONY OF MR. GLENN S. WARNER.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are what is called the "coach"?

Mr. WARNER. I am athletic director of the Carlisle Indian School.

The CHAIRMAN. How long have you filled that position?

Mr. WARNER. I came to the school in 1899, when Gen. Pratt was there, and stayed there until he left in the spring of 1904. Then I went to Cornell in the same capacity, and came back to Carlisle in January, 1907, and was there one year under Maj. Mercer. Then Mr. Friedman came there, and I have been there ever since.

The CHAIRMAN. The athletic work at the college is kept, in large degree, separate from the institute proper, is it not?

Mr. WARNER. Well, the athletics are managed by the athletic association under the supervision of a superintendent.

The CHAIRMAN. What is the athletic association?

Mr. WARNER. It is composed of the boys who have won their school letter—the 'C' we call it.

The CHAIRMAN. What does that mean?

Mr. WARNER. That means that they have represented the school in an intercollegiate competition; that is, they have been on one of the teams. It is composed of those boys, together with the superintendent, the athletic director, and the secretary and treasurer.

The CHAIRMAN. It is a corporation, is it not?

Mr. WARNER. Yes, sir. When I first came there there was no association; it was called the athletic association, but Gen. Pratt was the association. Then when Maj. Mercer came there it was formally organized and adopted a constitution and by-laws, etc., and since Mr. Friedman has been there it has been incorporated.

The CHAIRMAN. Did you prompt or inspire the incorporation?

Mr. WARNER. Why, we talked it over—

The CHAIRMAN. I mean, did you suggest it?

Mr. WARNER. No, sir.

The CHAIRMAN. How did you come to incorporate? What was the idea?

Mr. WARNER. Why, most of the associations we have relations with at colleges and universities are incorporated athletic associations, and it gives them a little more standing and enables them to transact their business in a little more businesslike manner.

The CHAIRMAN. You are employed, I assume, by the athletic association?

Mr. WARNER. Yes, sir.

The CHAIRMAN. You have no direct connection with the Government whatever?

Mr. WARNER. No more than I have to conduct the athletics there under the supervision of the superintendent.

The CHAIRMAN. What are the sources of income of the association?

Mr. WARNER. Why, they are practically—well, all the sources, I would say, are from the receipts of games which we play out of town.

The CHAIRMAN. I wish you would explain to us how those games are handled and how the fund is accounted for.

Mr. WARNER. Why, I arrange the games with the athletic directors or managers of the various college teams, and agreements are made as to how the receipts shall be divided. Sometimes we play for a guaranty for a certain amount and sometimes with a guaranty and an option of a percentage of the gate receipts. Sometimes we have just a percentage of the gate receipts and no option.

The CHAIRMAN. You have been in charge of that work how long?

Mr. WARNER. I have been in charge of it since 1899, with exception of 1904, 1905, 1906.

The CHAIRMAN. Have you played many games that you did not come out on? That you lost money on?

Mr. WARNER. The only games that we lose on are the home games. We do not charge our students or employees any admission, and of late years we have had all our home competitions free to the general public out there.

The CHAIRMAN. And always when you go away from home you make something?

Mr. WARNER. I would not say always. The football team does, but the other teams—football is the money-making game and it finances our whole athletics. Of course, lacrosse and track athletics are losing sports. It is all outgo. Quite often we make trips at a little loss.

Senator LANE. How many football games do you play in a season, on an average?

Mr. WARNER. About 11 or 12.

The CHAIRMAN. You go pretty well all over the country?

Mr. WARNER. Of late years we have had no western trips. While we play quite a number of games away from home, they are with few exceptions, games where we either leave the morning of the game and get home the same night, or we leave in the afternoon of Friday and always get back either Saturday night or Sunday. So, with the exception of one or two trips on the schedule, the boys lose very little time on that account.

Senator LANE. I want to ask you there, do you make a search through the Indian reservations and comb the Indians over for good material?

Mr. WARNER. No, sir; that has been charged against us.

Senator LANE. You never heard of it?

Mr. WARNER. Newspaper reporters follow us who are interested in other colleges, and they insinuate that we try to induce fellows to come here. As a matter of fact, I have never made a trip in the West to look for athletic material, and there has been nothing of that kind done.

The CHAIRMAN. How is your material chosen?

Mr. WARNER. We take the boys that come here and try them out. Every boy is entitled to come out and try and see what he can do. Our boys have had practically no experience in lacrosse—our sports are now lacrosse, track athletics, and football; they are all practically developed right there.

The CHAIRMAN. I suppose when you get a good man you hold him as long as you can on the team?

Mr. WARNER. I think the records will show that the average length of service for the last five years would be less than two years.

The CHAIRMAN. I am not talking about the average; I am talking about the exceptional cases.

Mr. WARNER. There were exceptional cases in years gone by, before we adopted eligibility rules, where boys played on the team five or six years, but they were not held there for that purpose. Boys used to stay at the school longer than they do now. They came there, and were induced to stay there until they graduated. Since 1907 we have had no boy on the team over four years.

The CHAIRMAN. Do you personally select the players, or how are they selected?

Mr. WARNER. Yes; I have the final say as to who shall play.

The CHAIRMAN. How many boys during the last year were in the various football squads, for instance, and trying to get on the team?

Mr. WARNER. I think there were about 60 this last year.

The CHAIRMAN. Coming back to the question of the finances of the association, how do you settle with the representatives of the other

teams when a game is played? What is the process? Do they pay you by check?

Mr. WARNER. As a rule, they do. As a rule, in those college games, of course, you rely—that is, they are college players and college men you are dealing with. You rely upon their honesty and squareness, and we never have a man on the gate. Sometimes they settle right after the game if they have the receipts figured out and all that, but as a rule they send a statement of the number of seats sold, at what price, and total receipts, and our share, and send us a check.

The CHAIRMAN. Payable to whom?

Mr. WARNER. To the athletic association; sometimes payable to me as athletic director.

The CHAIRMAN. What do you do with it?

Mr. WARNER. If it is payable to me I indorse it over to the treasurer of the athletic association.

The CHAIRMAN. And it is deposited with him?

Mr. WARNER. He deposits it.

The CHAIRMAN. Do you know how much you took in last year?

Mr. WARNER. Well, just an estimate. I have not figured it up, but I would say our total receipts were around \$25,000.

The CHAIRMAN. Did you have a good season, a successful season.

Mr. WARNER. We had a good season as far as the record of the team was concerned, but I think the receipts were a little smaller than the year before. We had bad weather some of the days.

The CHAIRMAN. Who controls the disbursement of that fund, Mr. Warner?

Mr. WARNER. Why, the executive committee of the athletic association.

The CHAIRMAN. Who are they?

Mr. WARNER. The superintendent, and Mr. Miller, and myself—the officers of the association. Mr. Friedman is not an officer, but he is an honorary member of the association.

The CHAIRMAN. Do you three determine what accounts should be paid, what bills should be paid?

Mr. WARNER. Yes.

The CHAIRMAN. Do you have meetings to do that or is it purely informal.

Mr. WARNER. Well, we are all right there in the office, and if there is anything special comes up—of course, there are little bills—we all know they have to be paid.

The CHAIRMAN. Of course, your salary comes out of that fund, I take it?

Mr. WARNER. Yes, sir.

The CHAIRMAN. Are there any other employees paid out of that fund?

Mr. WARNER. The treasurer of the association—part of his salary comes out of that, I think. He gets a very small salary.

The CHAIRMAN. He gets \$35 a month?

Mr. WARNER. Yes.

Senator LANE. Practically, you are the executive? They depend upon you, don't they?

Mr. WARNER. No; of course, we consult together. If there are things of the ordinary routine, of course, there is no discussion; but any important matter, why, we discuss it. Now, as an instance of

that, we had just a short while ago a letter from a former player of the team who was in very hard luck and lost all his money and had a bad leg and he wanted to go to the hospital, and he thought that the athletic association might help him out. Well, we discussed that as to whether an act of charity it would be wise to do that. There are things like that that come up.

The CHAIRMAN. There is paid to Mrs. Foster, a teacher, out of the athletic fund, \$15 a month, and to Mr. R. L. Mann, another teacher, \$15 a month for Y. M. C. A. work.

Mr. WARNER. We pay Mrs. Foster. Mr. Mann did have charge of that work until he was relieved from it on account of his evil influence with the boys.

The CHAIRMAN. What do you mean by that, "his evil influence"?

Mr. WARNER. Mr. Friedman found that he was a bad influence with the boys, coming in late at nights and talking about the girls he had been out with, and giving the boys cigarettes, and things like that.

The CHAIRMAN. Did he drink with them?

Mr. WARNER. I do not know that he did.

The CHAIRMAN. How did he ever come to be chosen for that kind of work? Who chose him?

Mr. WARNER. I do not know who chose him, but he was rather a new man there and was not very well known, and he was given that position.

Senator LANE. Did he have a bad influence in the way you speak of?

Mr. WARNER. Oh, yes.

Senator LANE. You know that he did?

Mr. WARNER. Yes; Mr. Friedman wrote him a letter and called his attention to all these things, and moved him out of the athletic quarters, where he had been staying, where he had been with the boys, and he never answered the letter and practically admitted by not replying that it was all so. Some of the boys told Mr. Friedman about it.

The CHAIRMAN. What is the object of paying nominal salaries to all the ministers in the town for services there?

Mr. WARNER. Well, I do not know that I could—they have services in town, you see, and the boys and girls that belong in their churches, they could go in to town to their churches; they could go in to Sunday school, but it has always been a custom, even in Gen. Pratt's time and Maj. Mercer's time. It has always been the custom to have afternoon services at the school, and the preachers have always been paid. When Gen. Pratt was here I think they were paid out of a charity fund which he had.

The CHAIRMAN. He had a man he called "chaplain," didn't he?

Mr. WARNER. He had one man part of the time, and others at other times. Mr. Diffenderfer was—he had him here quite a while. He was here under Mr. Friedman.

The CHAIRMAN. What I mean is, he did not have all of them at once. What I am trying to find out is, What is your idea of having them all?

Mr. WARNER. Oh, instead of having one denomination I think it was thought that if you would have the preachers from the different denominations alternate it would be a variation in the service to the students, and give all the denominations the same recognition.

The CHAIRMAN. I find in looking over that account a good many items for funds paid to Mr. Hugh Miller and Mr. J. L. Martin for services as correspondents.

Mr. WARNER. Yes, sir.

The CHAIRMAN. How is that handled, and what services do they perform?

Mr. WARNER. They do a lot of extra work in sending out photographs and stories about the football teams during the football season. As most of our games are played on the percentage basis, of course, all the publicity we can get in the newspapers, especially in the cities where we are going to play, swells the receipts; and for the extra work that they do along that line, and for photographs and extra work, they have been allowed—that was allowed by Mr. Mercer before Mr. Friedman came here—I think they were paid more at that time than they have been in late years.

The CHAIRMAN. I also find a number of items showing payments of various amounts to clipping bureaus. What is the idea about that?

Mr. WARNER. Why, it is customary with all teams of importance to have clippings. For instance, during the football season I have a certain bureau send me all the clippings pertaining to the Carlisle Indian School football team, and it gives me an idea what is being said, and if anything is being said that is detrimental and untrue, it gives me a chance to deny it. And it gives me a chance to learn what other teams are doing in preparing for our games. Those clippings are always turned over to the boys for them to read.

The CHAIRMAN. I see that an attorney, Mr. John M. Ray, receives about \$100 per annum for auditing the books of the athletic association. What service does he perform?

Mr. WARNER. Well, we thought that to assure ourselves that the athletic books were kept in a businesslike and straightforward manner, it would be well to have an outside man of good standing in the community, recognized as an honest man, etc., to audit those accounts and see that they were all right.

The CHAIRMAN. Do you know what he does when he audits the accounts—what he actually does? Do you know how he does his work?

Mr. WARNER. He checks up, just the same as Mr. Linnen did when he went over the accounts.

Senator LANE. Does he give you a report?

Mr. WARNER. He just signs—at the end of each month he says, "Audited by John M. Ray."

The CHAIRMAN. He does not undertake to go behind the receipts in the office there to ascertain whether or not the amount reported in the books there is the amount actually paid by another association to your association?

Mr. WARNER. Well, of course, a statement comes in by the official in charge of the other team, and he has that. He sends that with the checks.

The CHAIRMAN. I see also an item for J. W. Wetzel, who is another attorney, and Wetzel & Hambleton, for \$50 and \$100. What services do they perform?

Mr. WARNER. Now, as to that, I do not exactly remember, but I think there was a case—some girl got into trouble; something in

connection with that; some legal services that they did, I think. Well, I think Mr. Friedman had them look over my contract.

The CHAIRMAN. You do not know what it was for definitely?

Mr. WARNER. No; I could not explain that.

The CHAIRMAN. What salaries are paid the members of the team? Any?

Mr. WARNER. No, sir.

The CHAIRMAN. What do they receive that other pupils do not get?

Mr. WARNER. Well, at the close of the season the boys are given a \$25 suit of clothes and a \$25 overcoat; that is, the first team. And the first team also get a souvenir of some kind.

Senator LANE. Is that charged in?

Mr. WARNER. It is on the books; yes, sir. That custom was introduced by Gen. Pratt when I first went there, and it was reestablished under Mr. Friedman.

The CHAIRMAN. That is in addition to their regular athletic clothing, which, of course, you buy and pay for?

Mr. WARNER. Yes.

The CHAIRMAN. Now, you pay the transportation of the football team and the necessary attendants when they go out to play games out of the athletic funds, of course?

Mr. WARNER. Yes, sir.

The CHAIRMAN. I see a good many items of expenses for the superintendent in various places, which I assume were—many of them, at least—while he was attending the games.

Mr. WARNER. Some of them were, I should think; yes, sir.

The CHAIRMAN. How were those audited? By whom?

Mr. WARNER. How were they audited?

The CHAIRMAN. Yes; how do you know the amounts are correct?

Mr. WARNER. He puts in a statement of what the expenses consisted of.

The CHAIRMAN. He does not file an itemized statement?

Mr. WARNER. Well, I think they are pretty well itemized. I know they are much more so than his predecessors.

The CHAIRMAN. Who would know whether they were itemized or not?

Mr. WARNER. You can tell by looking—

The CHAIRMAN. The man that keeps the accounts says they are not itemized. Who approves them?

Mr. WARNER. Well, I sign the checks for it.

The CHAIRMAN. Now, I find a number of items there for transportation books furnished to Mr. Friedman at the expense of the athletic association. How does the athletic association come to be furnishing those mileage books?

Mr. WARNER. Some of them are for those trips.

The CHAIRMAN. He is supposed to use those only in the trips in the interest of athletics?

Mr. WARNER. I think he uses them for other purposes—students being sent away when they have no money, or something of that kind.

The CHAIRMAN. Has your attention ever been called to the fact that on a number of occasions when he used those books, paid for by the athletic association, that he also charged in his account ren-

dered to the Government, as superintendent of the school, the same items?

Mr. WARNER. No; I never heard of that.

Senator LANE. Before you leave that, the athletic association pays his traveling expenses by issuing him these mileage books, and they are not to be used for any other purpose except in the interest of the athletic association, are they? Legitimately, I mean? You intimated he used them for other purposes.

Mr. WARNER. Only occasionally, for a charity case, or something like that. I know he has used athletic association mileage to bring a party of Indians from Washington to commencement, and things like that that would not be legitimate Government expense, but he would do it from the athletic association funds.

Senator LANE. Has he been authorized to do that by the association?

Mr. WARNER. Yes, sir.

The CHAIRMAN. Do you know the amount of money that is spent annually for his expenses and the expenses of himself and friends and family out of the athletic funds?

Mr. WARNER. No; I never figured it up. I think it is very small; very small, compared to what his predecessors used to use.

The CHAIRMAN. Have you examined the books to see whether that is true?

Mr. WARNER. Oh, yes, sir.

The CHAIRMAN. How does it compare with the amounts his predecessors used?

Mr. WARNER. It is much less. I could not quote the figures, you know. Mr. Friedman, I think, has used the funds of the association for himself very little. I think occasionally he has taken his wife on trips.

Senator LANE. Out of this fund?

Mr. WARNER. With the athletic association; yes.

Senator LANE. Did the others do it to a still greater extent?

Mr. WARNER. Yes, sir.

Senator LANE. Then, it is customary?

Mr. WARNER. It has been; yes, sir.

Senator LANE. How do you account for that method of using the funds?

Mr. WARNER. I suppose they justified it on the ground that they thought it was perfectly right for the superintendent occasionally to accompany the team away to play a game.

Senator LANE. And pay his family's expenses because somebody else did it to a greater extent?

Mr. WARNER. How they figured it, I do not know.

Senator LANE. But I understood you to be accounting for it that way here. I understood you to say he had done that less often than his predecessors.

Mr. WARNER. Yes, sir.

Senator LANE. Were they in the habit of using association funds for private use?

Mr. WARNER. They have been, on occasions like that; yes, sir.

Senator LANE. According to that, then, this fund is a kind of fund at large that may be used for any purpose.

The CHAIRMAN. Who do you think that fund really belongs to?

Mr. WARNER. It belongs to the athletic association.

The CHAIRMAN. Yes, to the athletic association. Whom do you mean by that?

Mr. WARNER. I mean the boys who compose the team——

The CHAIRMAN. Just to make the point clear, when Mr. Friedman goes to Washington on Government expense on Government business and charges the Government his railroad fare, he ought not to use the mileage books that your fund pays for on that same identical trip, ought he?

Mr. WARNER. No; I do not think he has.

The CHAIRMAN. Have you investigated the records in the office of the auditor of the Pennsylvania Railroad and the Cumberland Valley Railroad Co.?

Mr. WARNER. No; I have not.

The CHAIRMAN. Now, I suppose you would not have any memory as to different expense items incurred by Mr. Friedman on trips to Washington and charged to the athletic fund?

Mr. WARNER. I would not; no, sir.

The CHAIRMAN. Of course, you have no connection with the discipline of the school?

Mr. WARNER. No more than that I try to keep discipline when I am in charge of the boys when I have them away on trips and out on the athletic field.

The CHAIRMAN. Were you present on an occasion sometime ago when some boys were whipped in the lock-up down there?

Mr. WARNER. Yes, sir.

The CHAIRMAN. Did you participate in that?

Mr. WARNER. I was there simply to see that the boy—that the man that was doing the whipping——

The CHAIRMAN. Who was that?

Mr. WARNER. Mr. Dickey; he was acting disciplinarian at that time.

The CHAIRMAN. What was he punishing that boy for?

Mr. WARNER. It was on a Saturday, and some of the boys, I think, had got hold of some liquor, and they were raising a lot of "cain" down there and had openly defied them: and one of the boys—I think two of the boys—almost threw him off the upper balcony. They pretended they were going to. I do not know whether they really intended to.

The CHAIRMAN. Were you there by the instruction or with the knowledge of the superintendent?

Mr. WARNER. No, sir.

The CHAIRMAN. How did you come to go there?

Mr. WARNER. Well, the boys had acted so and defied the disciplinarian to such an extent that they sent several of us——

The CHAIRMAN. Were you present when that infraction of discipline occurred?

Mr. WARNER. No, sir.

The CHAIRMAN. Who was present when that punishment was inflicted?

Mr. WARNER. There was Mr. Dietz, and Mr. Rudy, and Mr. auffer, and myself.

The CHAIRMAN. Did the superintendent know anything about it?

Mr. WARNER. No, sir.

The CHAIRMAN. Why was he not informed?

Mr. WARNER. I think he disapproved of corporal punishment.

The CHAIRMAN. You do not mean to say that you participated in a punishment that you knew the superintendent would disapprove of at the time?

Mr. WARNER. Well, we knew that the department was opposed to corporal punishment, but we thought it was a case where there was nothing else that would do as good; and it did have a wholesome effect upon those boys.

The CHAIRMAN. How many of them were whipped?

Mr. WARNER. I think there were three or four.

The CHAIRMAN. Were they sober when they were whipped?

Mr. WARNER. Yes, sir.

The CHAIRMAN. How were they whipped?

Mr. WARNER. With a small strap.

The CHAIRMAN. Did they make a fight?

Mr. WARNER. No.

The CHAIRMAN. How many lashes were given them?

Mr. WARNER. Oh, I could not say.

The CHAIRMAN. Have they been good boys ever since?

Mr. WARNER. They have; yes, sir. I think they have all been pretty good.

The CHAIRMAN. Now, going back to that fund just a moment, I see that in January, 1908—were you there then?

Mr. WARNER. Yes, sir.

The CHAIRMAN (continuing). A camera costing \$140.60 was bought for Hugh Miller, the newspaper correspondent.

Mr. WARNER. That was January, 1908?

The CHAIRMAN. Yes, sir; that is the information I have a minute from the records. Do you remember how they came to buy that expensive camera?

Mr. WARNER. My impression was that that was bought in 1907 instead of 1908 no, that was right. That was during Maj. Mercer's administration. Mr. Miller had been to a lot of expense to get photographs, and especially action photographs. There was no camera in town that would take rapid-action pictures, and the papers were all the time calling for that kind of pictures, and he spoke to myself and Maj. Mercer about it and prevailed upon us to buy him a camera that would do that work.

The CHAIRMAN. I notice, too, that on November 21, 1908, a bill of \$15 was paid to the Postal Telegraph Co., alleged to be for election returns.

Mr. WARNER. What year?

The CHAIRMAN. That was in 1908. I suppose that was the presidential election?

Mr. WARNER. That was the presidential election. I think they had the returns out there for the students and employees.

The CHAIRMAN. What is the present financial condition of the athletic association, Mr. Warner? Is it prosperous?

Mr. WARNER. Why, we just about—I think our receipts perhaps a little more than pay our running expenses. I do not just know what our balance would show now.

The CHAIRMAN. How are those athletic funds handled at Cornell? You were there a while, I believe?

Mr. WARNER. Yes, sir; they have an incorporated athletic association.

The CHAIRMAN. Is it separate from the school?

Mr. WARNER. Yes, sir.

The CHAIRMAN. And paid out for any purpose that the directors wish?

Mr. WARNER. I think that up there it is all confined strictly to athletics. I will tell you, this athletic fund, the surplus that is not needed for athletic purposes has been used by the association for whatever purpose they thought would best benefit the school, and in doing charitable work of different kinds. So far as we have been able in our judgment to do it, we have spent the money as best we could to the interests of the school.

The CHAIRMAN. Do you have much trouble with your boys on account of drinking?

Mr. WARNER. The football boys? Very little.

The CHAIRMAN. I notice you are paying out of the athletic fund small items of \$2 to the chief of police here, Mr. Boyer, for the arrest of each Indian caught down town without a pass, and also notice an item of \$10 paid to Bentley, a detective, and \$10 to a sheriff, for the arrest of somebody.

Mr. WARNER. That has been one way of preventing the boys from going to town—getting the policemen to pick up these boys who went down town without permission, and to reimburse them for their work in doing that and in cooperating with the school, that has been done. There is no other fund, as I understand it—no Government fund—where that would be a legitimate expense, and so that is taken out of the athletic association the same as other things are in that line.

The CHAIRMAN. Did I ask you if there was much drinking in the school?

Mr. WARNER. Yes, if there was among the athletic boys.

The CHAIRMAN. Is it general among the male pupils?

Mr. WARNER. There is more now than I think there used to be.

The CHAIRMAN. What do you think that is due to?

Mr. WARNER. It is due to the fact that the boys are not so easy to manage as they used to be. They are a little more up-to-date boys, they come there with a little more education. They are a little harder to keep track of. And it is also due to the fact that the disciplinarian does not take any extreme measures, or does not try to keep the boys from getting to town.

The CHAIRMAN. What do you think is the remedy for that? It must be evident, of course, that whatever the cause may be and however difficult it may be to prevent it, it is very demoralizing to any school, especially where girls are going to the same school.

Mr. WARNER. There is altogether too much latitude given the boys in coming to town. That is, they are not punished, and there is no effort made to keep them from coming to town by the disciplinarian, so far as I can learn. If you are going to allow boys to run in town without permission they are going to get into more or less mischief. Another thing, I think, would be to drop the white boys, the boys that can not be distinguished from whites. Those are the boys that get the liquor. The people down town would not sell an Indian liquor any more than they would poison, but a white

boy that has almost no Indian blood in him can go down there and buy it.

The CHAIRMAN. Are there many white boys of that class out there?

Mr. WARNER. There are quite a few.

Senator LANE. These men down town that sell whisky, do they sell to boys even if they are white?

Mr. WARNER. Oh, no. But some of these boys would be over 21. If they did not know that they were Indians it would be perfectly right to sell them liquor, but if one of these boys goes in a place and they find that they are from the school they will kick them out. These people in town—the white boys usually put one over on them. Some new students comes here, and they may get him to work it for them for a while, or he may get some friend down town to go and get it for him. I think if the disciplinarian would be more strict about the boys going to town it would help in the discipline out there a whole lot.

Senator LANE. Did you ever suggest it to him?

Mr. WARNER. Yes, I have suggested it, and I have reported it when I saw boys in town in the evening without uniform. I have reported such boys, and others of the employees have. We found that the boys were not even called up about it, and we got tired in making reports.

Senator LANE. The present disciplinarian, I understand, has done everything he could to prevent it. Has Mr. Friedman the power to compel him to?

Mr. WARNER. He can issue instructions.

Senator LANE. Does not the disciplinarian obey those?

Mr. WARNER. Yes; but I suppose he says he is doing all he can.

Senator LANE. If he finds out he is not —

Mr. WARNER. Well, I suppose he could write to Washington and ask that he be relieved, but that would not mean that he would be relieved.

Senator LANE. But he could present a case that would almost compel them to dismiss him?

Mr. WARNER. Well, if he had the cooperation of the Indian Office, as I think the superintendent of a school ought to have to get rid of incompetent and disloyal employees, that would be done, but it has not been the case.

Senator LANE. Do you mean to say that if the superintendent of the institution notified the authorities at Washington—that is, the Commissioner of Indian Affairs—that there was a disciplinarian who would not, after he had been warned of the facts, prevent the boys from going down town in such a way that they could get liquor, the Commissioner of Indian Affairs would fail to support the superintendent in his efforts in that direction?

Mr. WARNER. I can only judge by what has been done.

Senator LANE. They have failed heretofore?

Mr. WARNER. Yes, sir; in some cases they have failed to act on it for months.

Senator LANE. Then, the logical deduction from that statement is that if the boys drink here and come down town without proper discipline from the man employed for that purpose, the fault lies

with the Commissioner of Indian Affairs? There can not be any other explanation.

Mr. WARNER. I think to a certain extent.

The CHAIRMAN. Is there anything else, Senator?

Mr. WARNER. I would like to be heard about the general situation.

The CHAIRMAN. Very well.

Mr. WARNER. Practically all you have asked me about is the athletics. I have been athletic director there, with the exception of 3 years, under all the different superintendents that the school has had, and I feel that I know something about the condition of affairs under all the administrations, and as long as Mr. Friedman's administration is being questioned I would not feel that I had done my duty unless I had called attention to the work he has done there. He has built up the school, added to the plant, as you may see, to a large extent; he has improved sanitary conditions and the comfort of the students to a great extent—

The CHAIRMAN. Now, just say what he has done in detail, without expressing an opinion.

Mr. WARNER. The students' dining room used to be a dingy old room, poorly lighted—that whole building was an old building. The rooms upstairs, where they had the sewing room, etc.—that has all been remodeled and improved and made a decent place for students to eat—metal ceilings put in, and floors and things lighted up so they don't have to go up there in the dark. That is simply one.

Of course, when Mr. Friedman came there he found that there had accumulated in the athletic association quite a large fund. He had certain ideas as to how the grounds and the school could be improved, but he did not have the appropriation from the Government to do the work with. We talked it over—the executive committee of the athletic association—and this surplus fund of the athletic association was used to a large extent to build several buildings there which Mr. Friedman thought we needed.

The CHAIRMAN. Tell us what buildings were constructed from that fund.

Mr. WARNER. What is called now the athletic quarters was an old hospital. They built a new hospital up on the other end of the grounds. That old building was an old, insanitary, tumble-down affair, which would probably have been torn down as useless for any purpose whatever. As the dormitory facilities for the boys were crowded during the winter, and as that building was favorably situated to the athletic field, we thought it would be a good idea to remodel that building into a place for the boys to room; that they would have better facilities, etc. That building was remodeled and reconstructed, practically built over, at a cost of ten, twelve, or thirteen thousand dollars.

Then the printing office, which used to be over in one of the shops—Mr. Friedman wanted the shop room for the other shops, and that building where the printing office is now was built from athletic funds, and that addition to the school building in which the business department is was also built out of the athletic money.

Then the heating system has been changed; all those things. The girls' and boys' dormitories have been better lighted. The school building has been repaired and put in good shape, and better lights put in for the students.

Representative CARTER. What is your salary, Mr. Warner?

Mr. WARNER. \$4,000.

Representative CARTER. Do you get your expenses when you are on trips with the boys?

Mr. WARNER. My expenses are paid; yes, sir.

Representative CARTER. Do you get any other emoluments at all from the athletic funds?

Mr. WARNER. No, sir; except a place to live.

Representative CARTER. That does not come from the athletic funds?

Mr. WARNER. That was built by the athletic association.

Senator LANE. Are you supplied with forage?

Mr. WARNER. No, sir.

Representative CARTER. You do not get anything further than your salary and the things you have just mentioned from the athletic fund?

Mr. WARNER. No, sir; not a thing.

Representative CARTER. You understand, of course, that there are no accusations implied in any questions we are asking? It is the only way we have to get at the facts. If I understand correctly, the secretary of the association with whom you play a game, when it is away from home, files an account, sending you your part and a check to correspond?

Mr. WARNER. Yes, sir.

Representative CARTER. That is all there is to that?

Mr. WARNER. Yes, sir.

Representative CARTER. There are no other payments at all made to anybody except that?

Mr. WARNER. No.

Representative CARTER. And that is the way the games are settled, is it, by all the colleges?

Mr. WARNER. Yes, sir.

Representative CARTER. Is it customary among all the colleges to have publicity men like you have here?

Mr. WARNER. In think nearly all of them. I know the University of Pennsylvania has a press representative, they call him. He has a salary, and he devotes all his time to that work.

Representative CARTER. How long have you been at Carlisle, the last time?

Mr. WARNER. Since 1907.

Representative CARTER. When did you come here the first time?

Mr. WARNER. I came in 1899.

Representative CARTER. How long did you stay?

Mr. WARNER. From 1899 to the spring of 1904, and then I came back in January, 1907.

Representative CARTER. Have you stated anything at all about the feeling that seems to exist between Mr. Freidman and some of the students?

Mr. WARNER. No; I have not touched upon that.

Representative CARTER. Tell us what you think about it.

Mr. WARNER. I want to say that everything has run along smoothly at the school. Mr. Friedman did not go on a vacation last summer. He stayed here and worked last summer. Last fall we all remarked about how smoothly everything was going, and how there seemed to

be a good feeling in the student body, and everything was going on fine until Mr. Friedman's trouble with Mr. Whitwell.

Representative CARTER. When was that?

Mr. WARNER. That was along just before the holidays, I think.

Representative CARTER. What was the trouble?

Mr. WARNER. Mr. Friedman found, or thought, that the academic department had been running down and that Mr. Whitwell had not been doing his work as well as he should; so Mr. Friedman thought he would take a personal interest in building up the academic department. Mr. Whitwell had—for instance, he had abandoned the study hour, which is the hour from 7 to 8 at night, when all the students must go to their rooms to study. They had been doing that until Mr. Whitwell abandoned that and instituted what he called a "quiet hour," when the boys and girls had to stay in their rooms and do their studying there. Mr. Friedman saw that that was a farce; they did not do their studying, and it just gave them the whole evening to themselves, and it was a farce. That was one of the things that Mr. Friedman reinstated. Of course, that was against Mr. Whitwell's recommendation, and there were several other instances of where Mr. Friedman issued orders in connection with the school and tried to get Mr. Whitwell to cooperate with him in strengthening that department, and Mr. Whitwell evidently resented Mr. Friedman's orders along that line and sort of took things into his own hands over there and tried to straighten things out, and the result was finally, as I understand it, that they had a wordy battle in Mr. Friedman's office, in which Mr. Whitwell called Mr. Friedman some dirty names, and one thing and another. Mr. Friedman preferred charges against Mr. Whitwell for his insubordination, and those charges were not acted upon for nearly a month—three weeks, at least, as I remember it—and when they were acted upon, Mr. Whitwell, I think, was told that if it were not for his long years of service he would be summarily dismissed, but in view of the fact that he has been in the service so long, and his previous record, they would transfer him to another school, and he would be transferred as soon as another place could be found.

Representative CARTER. He was reprimanded and notified he would be transferred?

Mr. WARNER. Yes, sir.

Representative CARTER. Then in taking the case up with the Indian Office at Washington there was accomplished then a reprimand and the notification that he would be transferred?

Mr. WARNER. Yes, sir; the letters are on file and can be looked up. In spite of the fact that he was told that, he has been allowed by the Indian Office to remain there; and in my estimate and in Mr. Friedman's, and all who are loyal to Mr. Friedman, it is Mr. Whitwell who has been instrumental in stirring up all this insurrection.

Representative CARTER. You blame Mr. Whitwell for it?

Mr. WARNER. Mr. Whitwell and three or four other employees who have a spite against Mr. Friedman.

Representative CARTER. Who are the three or four others?

Mr. WARNER. Well, Miss Sweeney and Miss Canfield, and Mr. Mann, I think, are the ones.

The CHAIRMAN. Very well, Mr. Warner; that will be all.

Mr. WARNER. I would like to add to that, if I may—as I understand the discipline has been one of the things that has been criticized. I would like to say that I think the investigation will show that the discipline at the small boys' quarters has been good, and the discipline at the girls' quarters under Miss Ridenour has been good, and the only complaints there have been that she has been too strict. My opinion is that the discipline at the large boys' quarters is responsible for the whole situation out there. Those boys have disciplinarians out there, and instead of running the large boys' quarters and telling the boys what they should do and what they should not do, they have allowed the boys to run them and tell them what they shall do and not do; and they have had such good success at that that they have got so they think they can tell the other employees and even the superintendent what he can do. It seems to me if the large boys are going to run that school up there and run the disciplinarian, it is time a change was made. I know Mr. Friedman has done everything in his power to stiffen up the disciplinarian at the large boys' quarters and get him to stiffen up things down there. In my estimation, if the students and these disgruntled employees are allowed to feel that they can oust the superintendent or any other employee, nobody is going to be able to come there and get any results unless he allows the students to run things and do as they please.

Representative STEPHENS. What remedy would you suggest?

Mr. WARNER. I would suggest that the superintendent be given power by the Indian Office at Washington to remove the people that have stirred up all this dissension. It is necessary to dismiss some of the ring leaders among the students. This thing has all been worked up by Whitwell and his crowd and a few of the students.

The CHAIRMAN. Is that a matter of evidence, or just your opinion?

Mr. WARNER. Well, there are facts to substantiate it.

The CHAIRMAN. Well, tell us the facts.

Mr. WARNER. I do not know that I could state facts of my own knowledge. I have heard—

Senator LANE. I would like to ask if things will be better until the superintendent can make make them better, with the cooperation of the Department of the Interior?

Mr. WARNER. No, sir.

Senator LANE. You say that will require a new disciplinarian and the cooperation of the Interior Department, but it seems as though you also tell me that the present superintendent is unable to secure that cooperation. Will this go on indefinitely?

Mr. WARNER. Unless the superintendent has the cooperation of the Indian Office at Washington.

Senator LANE. He has not secured that yet, although he has tried, you tell me?

Mr. WARNER. That is as I understand it.

Senator LANE. Then it looks to me like it is a hopeless case.

Mr. WARNER. Unless the Indian Office can—

Representative CARTER. Are these the only people who are in collusion with Mr. Whitwell—the three you mean?

Mr. WARNER. Oh, no; there are others. I also want to state that this committee, as I understand it—the committee of boys and girls that have been to see this committee—are supposed to represent the boys and girls. I do not know whether you understand it or not, but

those committees were appointed by a faction among the student body. They do not represent the whole student body. They were elected by those who were against Mr. Friedman and do not represent but one side of the question among the student body.

Representative CARTER. You know when they were elected and about the meeting they had?

Mr. WARNER. Since Mr. Linnen came here.

Representative CARTER. About the meeting they had?

Mr. WARNER. Yes, sir; several of the boys told me that at that meeting they were asked to leave the room.

Representative CARTER. Who were they, Mr. Warner?

Mr. WARNER. Joe Guyon and William Garlow, two of the best boys we have here. I don't know of any others.

TESTIMONY OF AUGUST KENSLER.

The witness was duly sworn by the chairman.

Representative STEPHENS. How long have you been connected with this school?

Mr. KENSLER. For one year and seven months.

Representative STEPHENS. What is your position here?

Mr. KENSLER. Quartermaster.

Representative STEPHENS. What are your duties here?

Mr. KENSLER. To receive and issue supplies and to lay out the work in the shops.

Representative STEPHENS. What shops do you have control of?

Mr. KENSLER. The industrial shops—the carpenter shop, the blacksmith shop, and all those.

Representative STEPHENS. You furnish them the supplies that are needed in those shops?

Mr. KENSLER. Yes, sir; and direct what work shall be done there.

Representative STEPHENS. Do you know why it was they dropped the agricultural work?

Mr. KENSLER. No; that was before my time.

Representative STEPHENS. That is, about three years?

Mr. KENSLER. Yes.

Representative STEPHENS. Do you know why they dropped the telegraphy department?

Mr. KENSLER. No; I am not acquainted with that.

Representative STEPHENS. Do you know why they dropped the photography department?

Mr. KENSLER. No; that is all on the other side, under the academic department.

Representative STEPHENS. Do you know why they dropped the department of Indian arts and sciences?

Mr. KENSLER. I believe they have that yet. I thought Mrs. Dietz was still working at that. You see, they work over there in the school building under charge of the principal, so, of course, I don't know what is going on over there.

Representative STEPHENS. Do you know what the feeling is between the different teachers and the superintendent of the school?

Mr. KENSLER. I could honestly say I don't know anything about that any more than I hear whispered about.

Representative STEPHENS. Do you know what the feeling is between the body of the students and the superintendent?

Mr. KENSLEK. It has been very bad of late.

Representative STEPHENS. Can you explain to us why that has been?

Mr. KENSLEK. I might be able to. We unfortunately have no disciplinarian. The last one we had was very lax. He was a very fine gentleman, but he had not the ability to control the pupils. Or, in other words, he was rather too tired to do it. He could not control them at all. Another part of it is, for a long time before this man Friedman came here Mr. Mercer was here, and he left the boys and girls have dances every week, and they came in together and it had bad results. The morals became very bad—that is the plain speaking of it. Then he cut that out, about a year and a half ago, since Miss Ridenour came here. They stopped the dances. That set them wild right then and there.

Representative STEPHENS. Who did they blame for that?

Mr. KENSLEK. Mr. Friedman.

Representative STEPHENS. What is the state of feeling at the present time between Mr. Friedman and the body of students?

Mr. KENSLEK. The feeling is not very good as far as I hear.

Representative STEPHENS. Do they jeer or make fun of him?

Mr. KENSLEK. Not in my presence, but I have heard they have done so, but not of my own knowledge.

Representative STEPHENS. Do you know anything about the moral condition of the school?

Mr. KENSLEK. Well, it is about as good as it has always been.

Representative STEPHENS. Do you know anything of any trouble among the female students, any of them being bad and sent home in a delicate condition, etc.?

Mr. KENSLEK. I have heard they have been.

Representative STEPHENS. About how many have you heard?

Mr. KENSLEK. Of late, not over three, I think, but there might have been more. My duties are outside of the quarters, and I have nothing to do with the boys and girls except when they come down. I have four boys detailed in my place.

Representative STEPHENS. Have you heard any complaint about their not getting enough to eat?

Mr. KENSLEK. The only complaint I have heard is that just as soon as the football is over there is a howl that there is not enough to eat; but it is only in the bread that I have heard it.

Representative STEPHENS. Is there any reason why they should not have bread enough?

Mr. KENSLEK. They can not go over the allowance, you know.

Representative STEPHENS. Is it not a fact that we give them a lump-sum appropriation? Do you think they are not able to supply the students?

Mr. KENSLEK. Oh, we are able, if the superintendent has the authority.

Representative STEPHENS. Hasn't he the authority?

Mr. KENSLEK. No; the Indian Office issues a regular provision table, so much allowed for each 100 rations.

Representative STEPHENS. How much is allowed, then, by the Indian Office?

Mr. KENSLEK. They have reduced it again. They have reduced the flour to 90 pounds for 100 rations, and the beef 85 pounds to 100. We had a special allowance for a long time while Gen. Pratt was there and up to a short time ago, but one day they sent in the new school regulations, about four months ago, and said that that would take the place of all former regulations in regard to food. But actually we have not got the bread. The baker should bake as much bread as they can eat. To-day he came to me again and figured up—he used more than the allowance last month, and I showed him if I put the amount down which is necessary per 100, then we overdraw very nearly 300 pounds of flour in a month. That flour is not alone for bread, but they use a lot in the kitchen for making up pies and dumplings, etc.

Representative STEPHENS. That is taken away from the body of students?

Mr. KENSLEK. They eat it in another form.

Representative STEPHENS. You say you have not funds sufficient to furnish bread enough for the students?

Senator LANE. That is an arbitrary arrangement of the department?

Mr. KENSLEK. Yes.

Representative STEPHENS. Is there not a supplemental fund that these boys can be given enough bread out of?

Mr. KENSLEK. We have to have authority.

Representative STEPHENS. You do not have to have authority to use those football funds?

Mr. KENSLEK. I never saw that or heard anything of it.

Representative STEPHENS. You do not think that could be used for buying bread when it can be used for every other purpose?

Mr. KENSLEK. I don't know what is going on about the football fund. I never saw it, I know. It does not come under the Government, I understand.

Representative CARTER. You say they allow 90 pounds of flour to 100 rations?

Mr. KENSLEK. Yes.

Representative CARTER. How long is a ration supposed to last?

Mr. KENSLEK. The ration is a day's provision.

Representative CARTER. They are allowed 90 pounds of flour a day for over 100 students?

Mr. KENSLEK. Yes, sir.

Representative CARTER. That is the maximum?

Mr. KENSLEK. The maximum of the Indian Office; yes.

Representative CARTER. Who makes that allowance?

Mr. KENSLEK. I guess Mr. Lane.

Representative CARTER. What do you think about the athletic association and the way it is handled?

Mr. KENSLEK. Well, my belief is this, that as long as it is a Government institution it should be handled by the Government. If I had the doing of it—of course, it is only my opinion—it ought to be handled just the same as the Army and Navy teams.

Representative CARTER. They play on the grounds, and not outside. That does away with all that money business. There are plenty of teams that will come here and play our boys. The Army does not go outside, and neither does the Navy. The only game they do not play on their own grounds is the game they play together.

TESTIMONY OF CLAUDE M. STAUFFER.

The witness was duly sworn by the chairman.

The CHAIRMAN. What official position do you hold in the Indian school, and how long have you been employed there?

Mr. STAUFFER. I have been employed there since 1904; about 10 years. I have been the bandmaster and musical director there ever since I have been there.

The CHAIRMAN. How many pupils are in the band?

Mr. STAUFFER. About 40; in the neighborhood of 45 or 48.

The CHAIRMAN. What do you teach; what instruments?

Mr. STAUFFER. I instruct them in a general way on all the instruments, but my principal instruments, that I play myself, are the stringed instruments, the piano and organ, and I have a general knowledge of the brass instruments and reed instruments of the band, sufficient to be able to instruct them.

The CHAIRMAN. Do you issue diplomas in your department?

Mr. STAUFFER. No; that has never been the policy.

The CHAIRMAN. How long does it take to complete the work which you do in the course which you give there?

Mr. STAUFFER. Well, the course we give in music has never been an outlined course. There never had been one before I came there, and never one handed me by anybody else. I have these pupils for a certain length of time—for the time they are there, with the exception of the summer months. During the summer time they go out.

The CHAIRMAN. Have any of them completed the course to your satisfaction?

Mr. STAUFFER. We have a number of students, yes, that have become very proficient.

The CHAIRMAN. Do they teach now?

Mr. STAUFFER. Yes; I have a number of boys in the Indian Service at the present time.

The CHAIRMAN. Were you ever connected with the Department of Agriculture?

Mr. STAUFFER. No; I never was.

The CHAIRMAN. Did you ever have the position of instructor in agriculture?

Mr. STAUFFER. I never did. Now, I looked that matter up. Mr. Linnen asked me that question, and I looked that up through some of our files out there, and came across a note written to me by Mr. Friedman saying that I should arrange to take some classes in agriculture. I went to Mr. Whitwell, and consulted with him about the matter, and he objected to any more classes being introduced in that department. He said that at present their courses were broken up sufficiently with music, and the business, and drawing. I reported the matter to Mr. Friedman, and it never was carried out.

The CHAIRMAN. Are you skilled in scientific agriculture?

Mr. STAUFFER. No, sir.

The CHAIRMAN. Do you know anything about agriculture?

Mr. STAUFFER. Only what I have taken in the schools that I have been in. I am a graduate of a normal school, and I took a course there in physics, and took physics in college.

The CHAIRMAN. I am talking about agriculture.

Mr. STAUFFER. So far as agriculture is concerned, I am not an agriculturist.

The CHAIRMAN. Why did the superintendent instruct you to take classes in agriculture if you had no special training?

Mr. STAUFFER. The position of agricultural teacher had been abolished, and he thought they ought to have some practical knowledge.

The CHAIRMAN. Why was that done?

Mr. STAUFFER. I never went into that with him.

The CHAIRMAN. Do you know a Miss Julia Hardin?

Mr. STAUFFER. Yes; she is a pupil of mine. She studied piano under me, and also in the mandolin club.

The CHAIRMAN. Did you administer corporal punishment to her?

Mr. STAUFFER. I did.

The CHAIRMAN. Under whose instruction?

Mr. STAUFFER. Mr. Friedman's instruction.

The CHAIRMAN. State the circumstances.

Mr. STAUFFER. May I read them?

The CHAIRMAN. No. You remember what you did?

Mr. STAUFFER. I remember what I did, but if I could submit this to you, it is a clear and concise statement of the case, and covers it to the best of my ability.

The CHAIRMAN. Is this the statement which you made to Inspector Linnen?

Mr. STAUFFER. That is the statement that I gave him.

The CHAIRMAN. You made one statement to him, and the following day declined to sign it?

Mr. STAUFFER. I asked Mr. Linnen whether that was to be regarded as my final testimony. He said that for the present it was. I said I preferred not to sign it until I had rendered my entire testimony, and I requested that I be allowed to submit a fuller statement in justice to myself regarding the Julia Hardin affair. That has been about a year ago—not quite a year ago. I never expected to be called upon about this case and I had not refreshed my memory of the case at all, and in thinking it over I realized that I had not covered the ground sufficiently.

The CHAIRMAN. Did you make any statements in the affidavit you gave Mr. Linnen and did not sign that were not true?

Mr. STAUFFER. No, sir; I did not.

The CHAIRMAN. So far as the statements in that go, they are correct?

Mr. STAUFFER. So far as they go they are correct; yes.

The CHAIRMAN. They did not sufficiently cover the case?

Mr. STAUFFER. They did not sufficiently cover the case, in my estimation.

The CHAIRMAN. Now, after you had made this affidavit and were asked to sign it by Mr. Linnen you made some offensive statements to him?

Mr. STAUFFER. I did, and I have a transcription of that that I have written down that I am willing to submit and swear to as to what occurred, to the best of my knowledge, in there.

The CHAIRMAN. Have you the statement with you?

Mr. STAUFFER. Yes; I have the statement, and I want to say, Mr. Robinson, that I could not see why Mr. Linnen's attitude should be offensive to me at all. I was not shown——

The CHAIRMAN. Can you explain why your attitude should have been offensive to him? You knew he represented the Government of the United States—

Mr. STAUFFER. He did not tell me that he represented the Government.

The CHAIRMAN. You did not know that he was a representative of the Department of the Interior, of the Commissioner of Indian Affairs, and of the joint commission of Congress?

Mr. STAUFFER. I had no knowledge whatever.

The CHAIRMAN. But did you think he was?

Mr. STAUFFER. I knew he was there for the purpose of investigating this matter.

The CHAIRMAN. Whom did you think he was representing?

Mr. STAUFFER. I thought he was representing the Indian Office; that he was sent here from the Indian Office to make a fair investigation of the school. And in my estimation, Mr. Robinson, I don't see how a man who was a fellow Mason could treat me—

The CHAIRMAN. The Masonic business has nothing to do with that. Did you state to Mr. Linnen, "You can not bluff us the way you have been doing things around here?"

Mr. STAUFFER. I said, sir—I mentioned that he could not bluff me into signing an affidavit.

The CHAIRMAN. What did he say in reply to that?

Mr. STAUFFER. He said, "I told you I was through with you."

The CHAIRMAN. He told you you were excused?

Mr. STAUFFER. He told me he was through with me.

The CHAIRMAN. What did you say in reply?

Mr. STAUFFER. I said, "Very well."

The CHAIRMAN. Didn't you say to him, "You can not bluff anybody around here?"

Mr. STAUFFER. I made that remark.

The CHAIRMAN. He told you you were excused. Why didn't you go on about your business?

Mr. STAUFFER. Mr. Robinson, I admit I was hasty in what I said.

The CHAIRMAN. You also made the statement, "You are no gentleman?"

Mr. STAUFFER. Yes; I did.

The CHAIRMAN. And that was after he told you you would not be required to sign the affidavit?

Mr. STAUFFER. Yes.

The CHAIRMAN. And as you passed out the door you made the statement again?

Mr. STAUFFER. Yes; I admit that.

The CHAIRMAN. Now, let us get down to the facts about that Julia Hardin case. You say you had instructions from Supt. Friedman to administer corporal punishment to that girl?

Mr. STAUFFER. Yes, sir.

The CHAIRMAN. What was his language and what did he tell you to do?

Mr. STAUFFER. He just simply said, "Go ahead."

The CHAIRMAN. Did you ask him for permission to do it?

Mr. STAUFFER. I came back to the office and reported that I had been over there, and there was nothing that could be done with the girl

at all, in my estimation, and I thought she ought to be made to mind, even if it were necessary to give her a spanking.

Senator LANE. How old is she?

Mr. STAUFFER. I judge she is about 17 or 18 years old.

Senator LANE. Were you really going to spank a 17-year-old girl?

Mr. STAUFFER. Now, I feel—and I have conclusive evidence there in my statement that I have sworn to as the whole truth, that that girl admitted afterwards—that was the best thing that ever happened to her.

The CHAIRMAN. Let me go ahead. You said you made a statement of the facts to Supt. Friedman, and he told you to go ahead and punish her. Did you tell him you were going to use a board?

Mr. STAUFFER. I did not use a board, Mr. Robinson.

The CHAIRMAN. What did you use?

Mr. STAUFFER. A little stick that Miss Ridenour handed me, a little piece of kindling wood about a foot long, two inches wide, and a quarter of an inch thick.

Senator LANE. Did you strike a 17-year-old girl with a stick of that kind?

Mr. STAUFFER. Yes, sir; I did. I did not think I did anything that was cruel to the girl. The girl——

The CHAIRMAN. How many times did you strike her?

Mr. STAUFFER. About eight or ten times.

The CHAIRMAN. Did you throw her down?

Mr. STAUFFER. No; I did not. I slapped her——

The CHAIRMAN. Struck a girl——

Mr. STAUFFER. I slapped her across the mouth when she became insolent to me.

The CHAIRMAN. Did Superintendent Friedman give you authority to slap the girl?

Mr. STAUFFER. He did not give me any authority except what I told you. He said to me——

The CHAIRMAN. When you slapped her, what else did you do? What did you do after you slapped her?

Mr. STAUFFER. She covered her face with her hands and got down on her knees, and as she did I pushed her over so that she was on her hands and knees—with my hand.

The CHAIRMAN. When did you hit her with the board?

Mr. STAUFFER. After that Mrs. La Flesche came in, and Mrs. La Flesche had the check she had refused to sign in her office previous to this, which was for her transportation out to her country home. Mrs. La Flesche came in, and I told her the circumstances, and Miss Ridenour also did, and she still was defiant and still insisted she would not go. And I said to Mrs. La Flesche that I did not see anything that we could do. She said, "The only trouble is, she has not had enough." I said, "I am willing to give her some more if you think so," and Miss Ridenour brought this stick and said, "Here, use this."

The CHAIRMAN. How much experience have you had as a school-teacher?

Mr. STAUFFER. I am a graduate of the Bloomsberg State Normal School, holding a diploma as teacher in the State of Pennsylvania.

The CHAIRMAN. Have you ever whipped a young lady in that manner before or since?

Mr. STAUFFER. No, sir.

The CHAIRMAN. Did it occur to you that that was a manly and courageous thing to do?

Mr. STAUFFER. I have regretted ever since that it was necessary for me to do it, but I did it as my duty prompted me to.

The CHAIRMAN. You were moved solely by a sense of duty?

Mr. STAUFFER. Yes, sir.

The CHAIRMAN. You mean you slapped a young lady in the face from a sense of duty, and expect anybody to believe it?

Mr. STAUFFER. Well, that is my version of it, Senator Robinson.

The CHAIRMAN. Well, I have been a school-teacher myself, and am a man of some temperament myself. I can sympathize with a man that has a temper, but I never would make oath that I slapped a young lady 17 years, and then spanked her with a board, or whatever it was, purely from a sense of duty.

I want you to describe that stick, or board, or whatever it was, that you used.

Mr. STAUFFER. I have described it in there. It was about a foot long, 2 inches wide, and a quarter of an inch thick.

The CHAIRMAN. Didn't you say in the affidavit you gave Mr. Linnen it was at least 3 inches wide and 3 feet long?

Mr. STAUFFER. No; I did not say that.

The CHAIRMAN. Did you ever whip a 17-year-old boy with your fist?

Mr. STAUFFER. No, sir.

The CHAIRMAN. You would not do that, would you?

Mr. STAUFFER. No; and I regret that I did this other.

The CHAIRMAN. You would take your vengeance out with your fists on young ladies. You have seen boys around that school drunk, heard them insult the superintendent and call him a "Jew"——

Mr. STAUFFER. No, sir; never in my presence.

The CHAIRMAN. And you never struck any of the boys?

Mr. STAUFFER. I never heard them do that in my presence.

The CHAIRMAN. You have handed me a typewritten statement which you say represents your view of the matter after you had carefully studied it over. Did you confer with anybody when you prepared this statement?

Mr. STAUFFER. No, sir; not about this statement.

The CHAIRMAN. Whom did you confer with before you prepared it or while you were preparing it?

Mr. STAUFFER. I did not confer with anybody about the statement.

The CHAIRMAN. Have you exhibited it to anyone since you prepared it?

Mr. STAUFFER. No, sir.

The CHAIRMAN. You make the statement here:

By this time Mr. Whitwell had arrived on the scene and was told of what had taken place. He pulled the girl up from the floor and told her she would have to make up her mind to go, and that she had not had half enough, and threatened to give her more himself. After considerable persuasion on the part of all she finally consented to sign the check and agreed to go to the country if we would let her wait until the morning train. As it was then too late to make the evening train, it was agreed she could wait, but Mr. Whitwell ordered her put in the detention room over night so she could not be persuaded by the other girls to change her mind. He then accompanied Miss Ridenour to the room where she was to be kept.

Is that statement correct?

MR. STAUFFER. Yes, sir; to the best of my knowledge, it is.

THE CHAIRMAN. Now, Mr. Whitwell swears as follows:

I found the girl sitting on the floor sobbing and crying. Mr. Stauffer was standing near, very much excited. So was Miss Ridenour. I had learned on the way over, from Mrs. La Flesche, something of the trouble. I walked up to Julia and said something like this: "Julia, you know I wouldn't advise you to do anything against your best interests if I knew it. Now you have got yourself into this trouble and it is up to you to get yourself out of it. I couldn't tell you what is right or wrong, any better than what you yourself now know it, and I am not going to waste time talking to you, but I advise you to do as you are told, whatever that is."

I turned to the matron and asked what they wanted her to do. The matron said she would have to go to the lockup. I said, "Julia, will you go to the lockup?" She said, "I will go for you, Mr. Whitwell." I knew the girl meant what she said. I turned to the matron and said she was ready to go, but the matron did not seem to realize it. I said again that she was ready to go and told Julia to rise and go with her. She went, and that ended my connection with the case.

That evening Mr. Stauffer came to our house and explained his connection with the case. I told him that he would likely be blamed for using corporal punishment on the girl. He said that he had first gone to Mr. Friedman, and that while Mr. Friedman didn't give him direct permission, he took it for granted that he was willing that the girl should be punished. He also added that the girl was ready to give in when I came over. I said so far as I was concerned I felt I had not done anything worth mentioning.

Now, is the statement in that affidavit true that Mr. Friedman did not give you direct permission, but you took it for granted that he was willing?

MR. STAUFFER. The remark Mr. Friedman made—when I said the only thing I saw was to give her a spanking, he said, "Go ahead."

THE CHAIRMAN. That was direct instructions to do it, was it not?

MR. STAUFFER. That is what I understood.

THE CHAIRMAN. Did you tell Mr. Whitwell that Mr. Friedman had not given you direct permission?

MR. STAUFFER. I do not think I ever told him that.

THE CHAIRMAN. Did you go over to his house that night and explain your connection with the whipping of the girl?

MR. STAUFFER. I do not think that I did.

THE CHAIRMAN. Do you remember going over there that night?

MR. STAUFFER. I do not remember going over there that day at all.

THE CHAIRMAN. Do you remember making any explanation?

MR. STAUFFER. No; I think the explanation was made right there in the room at the time.

THE CHAIRMAN. You do not remember about it?

MR. STAUFFER. No.

TESTIMONY OF DR. MOSES FRIEDMAN, SUPERINTENDENT.

The witness was duly sworn by the chairman.

THE CHAIRMAN. You are the superintendent of the Carlisle Indian School?

DR. FRIEDMAN. I am.

THE CHAIRMAN. How long have you served in that capacity, Doctor?

DR. FRIEDMAN. Since April 1, 1908.

THE CHAIRMAN. Now, there has been presented to this joint commission complaints as to the management and control of the institution. Among them are these: That there is a general state of dis-

order in the school, a strained relationship between yourself and the pupils and between yourself and many of the employees; that you have not manifested a friendly sympathy for the pupils in your administration of the affairs of the school; that the food supply furnished is inadequate; that in the accounts which you have rendered the Government the same have been falsified in this, that you were furnished mileage books at the expense of the athletic association and used the same in travel on the Cumberland Valley Railroad and the Pennsylvania Railroad to and from Washington; that for the same trips and on the same travel you submitted an item for railroad fare in your accounts rendered the Government; that you have caused or permitted the number of pupils actually attending the school to be misrepresented for the purpose of reducing the average cost per pupil; and perhaps some other matters, to which your attention may be called.

We will be very glad to have any statement or testimony that you may care to offer in connection with your administration there especially touching these matters. If you wish, we would be glad for you to go ahead and make a statement.

Dr. FRIEDMAN. I made a few notes with reference to it to guide me, but I presumed that probably you would want to ask me some questions first.

The CHAIRMAN. I think I will do that. What is the total number of pupils in the school?

Dr. FRIEDMAN. At present?

The CHAIRMAN. Yes, sir.

Dr. FRIEDMAN. I could not give you the exact figures. There are probably—I think there is an actual attendance of 816, but there is a larger enrollment of students' names, students who have been there this year.

The CHAIRMAN. What are the general conditions prevailing in the school, with reference to order or disorder? Are they satisfactory to you?

Dr. FRIEDMAN. They are not satisfactory to me, sir; no.

The CHAIRMAN. In what respect?

Dr. FRIEDMAN. The discipline among the boys is not satisfactory, and among a great many of the students in the various quarters there has been a condition of unrest created by employees who are disloyal and who are incompetent, who have been repeatedly reported to the Indian Office, and who have been kept there regardless of my reports.

The CHAIRMAN. Now, when did this condition as to laxity in discipline arise, Dr. Friedman? When did you first observe it?

Dr. FRIEDMAN. Now, the present condition goes back to about Christmas time, possibly a little before, possibly a month before. There was a certain amount of unrest about the time some difficulty arose between myself and the principal teacher. I shall narrate that difficulty if you want to hear it. It is a very important matter.

The CHAIRMAN. Very well.

Dr. FRIEDMAN. When I first came to Carlisle nearly six years ago I was told to build up the school, which was in a rather run-down condition, in the mechanical plant, in the course of study, in the industries, and in the general tone of the discipline. But I realized it could not be done at one time, and I took it up department by department.

I took up the various industries, the farms, the health, the discipline,

the morality, and I left the school work go until a later period, because the Carlisle School had always had a rather good reputation for its academic work. During the last year I became convinced of laxities in the administration of the school building. The failure of incentive on the part of the head there in that building to inspire the teachers and the general laxity of conditions in the building were affecting the rest of the school. I thought this should be remedied, and I took that matter up.

I was there all the summer, with the possible exception of a day or two. I have for several years been suggesting to Mr. Whitwell that they install an evening study hour, which he had abolished with the approval of Supt. Mercer the year he came there, and which is a fundamental need in any institution. Instead of that he had an evening study hour in the dormitory rooms, and it was not a study hour. The boys lay around on the beds and told stories, and it created disorder rather than improved their intellect. Every time I asked him about the study hour he indicated that he was unfavorable to it and that the Indian Office was unfavorable to it. But the thing got to such a pass that I finally wrote the office myself to find out whether the office was opposed to an evening study hour. I told them the general conditions. They wrote back and said they were not, that they had issued no instructions that it be discontinued, and that, as a matter of fact, they were favorable to it. I thereupon instituted it. I realized it was a large step, because it meant taking up the evenings of a great many teachers in the academic building. They had been free in the evenings. I realized that Mr. Whitwell was opposed to it.

I worked out a plan during the summer, and started out at the beginning of the year. I took up other matters, such as the general monthly entertainment, which was badly conducted, and improved them by having every department represented. I took up the Monday chapel exercises and arranged that so that it would be of some use to the students by giving them a Bible reading and giving them a good talk on some practical subject. A great many of the minor matters in the building were taken up.

Mr. Whitwell chafed at that. He had previously spent a great deal of time away from the building. He is really an assistant superintendent, but he is really of no assistance whatever. He went to the school in the morning, and went back to his house at 4 o'clock, and nobody could find him after that. Under the new conditions he chafed, and finally came into my office and insulted me.

The CHAIRMAN. What did he do and say?

Dr. FRIEDMAN. If you insist upon the words, he called me a dirty skunk, and he said a number of other things along the same line. I am convinced from his manner that he came in there to do it. Now, I am not an active man, understand, nor a prize fighter, and any blackguard can come into my office and say anything he pleases. I took the matter up with the office, and reported the matter, both by letter and by telephone message to the commissioner, and I insisted that this man be suspended at once.

Senator LANE. How long ago was this, please?

Dr. FRIEDMAN. About four months ago. It was more than four months. I called up the commissioner on the telephone, and he was not in favor of suspending anyone. He said it was a very serious thing. I sent a full report in, and gave Mr. Whitwell a chance to

answer the charges, as I had to do in every case of that kind. The same process has to be gone through with any employee on the grounds. If conditions warrant their removal, it is up to me to prefer charges. They have a chance to answer them and prefer counter-charges; and as a general thing it means an investigation and disruption of the school, and in this matter it was even more serious than anything of that kind, because this man went around bragging about what he had done. It was current information around the grounds.

I called the Indian Office up a few days later, and I did not get any satisfaction. After waiting for several weeks, I went down to Washington and there was nothing done, and after a wait of about two months after this thing occurred I finally went down there determined that some action should be taken. I saw Commissioner Sells, and he said, "Why, I have not had a chance to go over this man's statement at all. I promise you to reply in three days."

Well, in three days Mr. Whitwell got a letter telling him that he would be transferred, that he had been insubordinate and insulting, and that he would have been dismissed except for length of service. There was nothing mentioned about the character of his service in his letter. I believe that was the 25th of November. It was just like threatening a child with a licking and holding it off until some time in the future. This man was angry, and he knew that the worst that could happen to him was a transfer, and he had already been active, and he became even more active.

The CHAIRMAN. What did he do?

Dr. FRIEDMAN. He inspired the students with agitation. He called the students repeatedly into his office over there near his rooms. He got a matron by the name of Miss Sweeney, who was over there as a teacher, and who had been refused leave at a certain time because she was acting contrary to the regulations and not in accordance with previous instructions, and she united with him in the matter. And he got another teacher over there in the school building, a young fellow by the name of Mann, who I found to be a disrupting element on the campus, with him in the same work. And by degrees he got two or three others.

Those things spread. Mr. Whitwell was on the campus there; he had insulted his superintendent, and he was openly declaring that the superintendent would leave and that he would win. One of their general remarks was that they would "see the tail feathers of the superintendent going out of the place," and I was helpless. I have reported these things to the office continually, sir.

Now, they have gotten these students in there—this thing commenced then. There never has been a condition of this kind on those grounds. I have been there six years this March, and this is rather a late day for a condition of that kind to be suddenly brought about by natural conditions. If I had been unpopular with the students it would have been manifested the first year. If there had been such trouble or laxity of discipline it would have been manifested the first year, because one of the complaints against the former administration was laxity of discipline. But here was a condition that was fomented by employees on the campus, one of whom is assistant superintendent.

Now, coupled with that, I think, is the inefficiency of the disciplinarian—Mr. McKean. Mr. McKean is a good young fellow, he has a hearty laugh, he likes the out-of-doors. But he is phlegmatic rather, and his tendency is to let the boys alone. He won't correct the boys. If something comes up that the students want to do or do not want to do, and they come to him, why, he says, "I can not do anything about that; those are the superintendent's orders." I just recently had a case of that, just the other day—a thing that has never occurred there before. Four boys came up into my office. They were detailed from the masonry department to fix some pipes, and they complained to Mr. McKean that there were some boys in the guardhouse who ought to have been detailed for that.

"Well," he says, "I can not do anything for you; I have orders from somebody else. You go down and see the quartermaster." They went down to the quartermaster, and the quartermaster told them to go to work. He notified Mr. McKean that that work was to be done, and the students were to perform it. They again complained to him, and he said, "Go up and see Mr. Friedman about it." and they came to me. I said, "You boys are here to do what is expected of you. You are here to go to school and attend to your work both. The Government does not conduct this school so the students can run it, and when you are given a certain task to do the thing to do is to go to work and do it." And I sent Mr. McKean word that the shifting of responsibility in that way must cease.

Senator LANE. Did you send him word or tell him orally?

Dr. FRIEDMAN. I wrote out a little note and turned it over to the stenographer to typewrite, in order not to allow the students to hear me doing it.

Now, gentlemen, I have here a mass of 100 orders that I have sent to Mr. McKean—smoking, going to town, lack of cleanliness in the building. I have talked to him personally about these things repeatedly. He corrects them for a day, and then they go ahead. I have reported them to the office.

I think he recognizes that he can not do the work, and he recently asked for a superintendency, or position as supervisor of farming; and in submitting the indorsement I told the office that possibly as assistant supervisor of farming he might render some service. My experience has been that the average man who can not fill a place usually wants a position as supervisor or something of that nature.

The CHAIRMAN. Now, you have an assistant disciplinarian there—Mr. Denny. Who assigns their work? Is that fixed by statute?

Dr. FRIEDMAN. Well, they have charge of the buildings under the regulations of the school. Mr. Denny is a very good disciplinarian. Mr. Denny's difficulty was a tendency toward harshness with his boys. I had to reprimand him several times about that.

The CHAIRMAN. What do you mean by "harshness?"

Dr. FRIEDMAN. Well, he is a big, husky Indian, and he used his hands on the boys.

The CHAIRMAN. Did he knock them down occasionally?

Dr. FRIEDMAN. When I first came to Carlisle I knew the conditions of corporal punishment there before. I knew that the boys and girls were whipped right along, and they were put in dungeons there, in an old guardhouse that was a disgrace. It had wooden floors in it, and the sanitation was awful. I had that thing fixed up and had

cement floors put in, but even at that the conditions were dreadful. They were put in there for two or three months at a time on bread and water. These things have come to me from employees who were there. A superintendent had one of the girls take her clothing off and put a nightgown on and got her out there in the middle of the court in front of the girl's building to whip her, and have the girls lined up in front of the building there.

The CHAIRMAN. To witness it?

Dr. FRIEDMAN. The thing is general information among the people who were there. It was told me by Mr. Ridenour, who had been told by a girl who was there at the time.

The CHAIRMAN. What superintendent was that?

Dr. FRIEDMAN. Do you want his name? Pratt. One of their favorite methods of punishment was to put a big sign on the front and on the back of a boy if he had committed a theft or told a falsehood: "I am a thief" or "I am a liar" and march him up and down that campus.

The CHAIRMAN. To humiliate and degrade him?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. What is your theory of punishment proper to be enforced in a school of that kind, taking into consideration the experience you have had there and your knowledge of the pupils?

Dr. FRIEDMAN. When I came there I had had experience in other schools. Before I entered the Indian Service I had taught many white students in Cincinnati. I had classes in the University of Cincinnati settlement, and I was at Phoenix, in the Philippines, and at Haskell. I am opposed to corporal punishment; and one of the first things I did when I came to Carlisle was, in speaking to all the members of the faculty, to tell them that I did not want any corporal punishment there; that if it became necessary for a student to be whipped, the thing to do was for the employee to come to me and first obtain my permission; that it was to be done in a humane way, and that I wanted them to understand that as a general proposition I was opposed to that; that in a large institution where there was 85 employees coming from various walks in life, some one is going to abuse that authority, some one is going to extremes, and it simply could not be permitted.

I did not let that be known among the students, because I have been a teacher and I have been among boys, and I knew the bad effect anything of that kind would have, but I allowed it to be understood among the employees.

Representative CARTER. I want to ask you if you knew of any cases of corporal punishment that have been reported to this commission, some of them verified by teachers who are loyal to you.

Dr. FRIEDMAN. Well, I know of some of this difficulty with Mr. Denny, and I wrote him a letter which I have here. I think you will be interested in it. I wrote the letter about a year ago.

The CHAIRMAN. Do you know of the Julia Hardin case, and of Mr. Stauffer's punishment of her?

Dr. FRIEDMAN. Yes, Senator.

The CHAIRMAN. Did he get your permission to do that?

Dr. FRIEDMAN. He did not exactly get my permission to do it, but I indicated that he should handle that thing in the way that he found best after he got over there.

The CHAIRMAN. What representation did he make?

Dr. FRIEDMAN. He said something to me—there was a great deal of difficulty about it. The girl was stubborn, and I was trying to find Mr. Whitwell, who was the proper man to handle a matter of that kind. He was busy at the office at the time and the matron said she could not do a thing and Mr. Stauffer happened around there and I sent him over. Mrs. La Flesehe was there too. She is the outing manager, and it was a matter concerning the outing. The girl had given a great deal of trouble.

The CHAIRMAN. You do not know this of your own knowledge?

Dr. FRIEDMAN. She is a very nice girl, and you would not ordinarily think it that way. Her record, so far as disclosed by the teachers, is almost perfect.

The CHAIRMAN. Now, you do not really know of your own personal knowledge?

Dr. FRIEDMAN. I was not there, Senator.

The CHAIRMAN. What representations did Mr. Stauffer make to you when he came and told you about that case and you tacitly agreed that he should whip her?

Dr. FRIEDMAN. It is a long time ago, but as I recall it, nothing could be done.

The CHAIRMAN. What did he have to do with it?

Dr. FRIEDMAN. He volunteered to do it, Senator. He was an employee in the school, and here was a girl that the matron could not do anything with.

The CHAIRMAN. You have had a great many cases where the boys have defied you and openly violated your instructions. Mr. Stauffer does not go around whipping the boys for that, does he?

Dr. FRIEDMAN. I do not ask anyone to help me out, Senator.

The CHAIRMAN. That is the very point I am making. I am trying to find out where he got on.

Dr. FRIEDMAN. Why, Senator, he was over there trying to help the matron who was in difficulty, and there were several other employees there with him.

The CHAIRMAN. You approved of this course?

Dr. FRIEDMAN. It was a rather unusual case.

The CHAIRMAN. But you approve of this course?

Dr. FRIEDMAN. After he explained the circumstances to me, and knowing it was done in a proper way, it seemed to me at the time to be a proper punishment, especially in view of the fact of the employees that were there as eye witnesses.

The CHAIRMAN. You knew that he slapped her first?

Dr. FRIEDMAN. I do not recall.

The CHAIRMAN. You thought that was proper, for a man to slap a young lady?

Dr. FRIEDMAN. No; I do not think it is proper.

The CHAIRMAN. You knew that he slapped her?

Dr. FRIEDMAN. No.

The CHAIRMAN. Well, he admits that he did. Do you think that is proper?

Dr. FRIEDMAN. Well, I am not favorable to slapping students.

The CHAIRMAN. Well, you might give me a frank answer.

Dr. FRIEDMAN. I do not think there is any occasion where it is proper to slap.

The CHAIRMAN. He says that he spanked her with his bare hand, and then took a stick, a piece of kindling, which was handed him by Miss Ridenour, and whipped her; and she was still stubborn and somebody remarked that she had not had enough yet, and he whipped her some more. Now, do you think a man who practices corporal punishment on a young lady 18 years old, whose record was good—

Dr. FRIEDMAN. Her record was not good.

The CHAIRMAN. You just said it was.

Dr. FRIEDMAN. I said she was a nice kind of girl. The matron can give you that information.

The CHAIRMAN. She said that her record was good.

Dr. FRIEDMAN. She signed up for the outing party, and signed up again, and refused to go.

The CHAIRMAN. Aside from that—that was an act of insubordination. What I am trying to find out is whether you approved of the action of Mr. Stauffer and the manner in which he punished that girl, and whether it was done with your knowledge in advance?

Dr. FRIEDMAN. I am frank to say—

The CHAIRMAN. I am frank to say to you that I do not believe you or he either would have treated a man that way, or an Indian boy of that age. You would not have had the courage to do it, to slap an 18-year-old Indian boy in the face.

Dr. FRIEDMAN. I have told you my general attitude, that I disapprove—

The CHAIRMAN. But in this particular case.

Dr. FRIEDMAN. In that particular case it was done by a loyal employee, doing what he considered to be in the best interests of discipline, and I shall share the responsibility.

The CHAIRMAN. You may have to take it all.

Dr. FRIEDMAN. I shall share any responsibility connected with it. The man's motives must be considered; the man's record must be considered; the man's influence among the boys and girls must be considered, and the effect of that particular case must be considered, and the fact that there was a superintendent teacher there, the head matron there, and the manager of the outing system.

Senator LANE. Some of them came in afterwards.

Dr. FRIEDMAN. They were all there, Senator. Two employees tried to manage that girl—the matron and the manager of the outing system.

The CHAIRMAN. You only know what you have been told, of course?

Dr. FRIEDMAN. I do not know; I was not present. I simply know what came to me from those employees. Mrs. La Flesche came to me and told me she did not think that girl had got enough.

The CHAIRMAN. Why didn't you have Mr. Stauffer go and whip her again?

Dr. FRIEDMAN. I have indicated my general feeling with reference to that. I will tell you another case now. There is a case that happened just a few months ago where the farmer here took a stick and broke a boy's arm in view of a little altercation he had had with him. And I reported the matter to the Indian Office and recommended that the man be dismissed, and the man is there now.

Representative CARTER. What is the farmer's name?

Dr. FRIEDMAN. Mr. Gray.

Representative CARTER. Is he the head farmer or assistant farmer?

Dr. FRIEDMAN. He is head of one of the farms.

I am opposed to corporal punishment, Senator. I do not want you gentlemen to get the wrong idea of Stauffer. He is not a ruffian or a man of that type.

Senator LANE. But is he the man to slap a girl?

Dr. FRIEDMAN. I am opposed to any kind of punishment meted out to girls. It may have been that he just simply lost his temper. I was not there.

Senator LANE. It must have been something like that.

Dr. FRIEDMAN. I went through the boys' building here a month or so ago. You say the boys have been doing these things to me. I do not think there is any danger of an Indian boy getting into a thing of that kind. I went through the boys' building about 10 o'clock—late at night. I went through because I had continually complained to the disciplinarian about conditions in that building, and they were not remedied, and I wanted to see for myself just what they were. I found some of the boys sleeping two in a bed. There was not many of them had their night gowns on. They were all furnished with night gowns. They had the ventilation windows closed, and a number of them were sleeping in other rooms, where they had no right to be.

When I got up to the third story some boy downstairs suddenly turned out the lights while I was in that building with 250 or 255 boys. Some fellow started to yell and before I knew it they were all yelling. They never tried to do me any harm.

The CHAIRMAN. While you are speaking of that, have they manifested any insubordination in your presence?

Dr. FRIEDMAN. That was the only occasion I have ever seen of that kind.

The CHAIRMAN. You have not heard them call you opprobrious names or any names, for that matter?

Dr. FRIEDMAN. No; I have not. There may have been something of that kind without my knowing it—in letters or something of that kind. I recently saw a letter written by an employee who was doing that—a man who was mixed up with this fellow Mann.

The CHAIRMAN. Who was that?

Dr. FRIEDMAN. A fellow by the name of Baine. They were staying over at the athletic quarters—employees, mind you. They were getting the boys in groups around them and telling how this, that, or the other department of the school ought to be run, and using language that was absolutely foul. One of these men was a man by the name of Baine, a temporary employee. The other fellow was a man by the name of Mann. I moved him out of that building and reported that matter to the office.

The CHAIRMAN. He is gone now, is he?

Dr. FRIEDMAN. No; he is there.

Inspector LINNEN. He has been referred to twice, and, in justice to him, who has not had an opportunity to appear before your body and say anything, I will have to say that I have his affidavit, which I shall be glad to furnish you. He absolutely denies all of these charges that are made.

Dr. FRIEDMAN. Well, three of the boys came up to my office, and one of them was the caretaker of the building. They came up there

separately and their stories absolutely agreed. I know from my own personal observation that he was not a man of good influence. He had charge of the Y. M. C. A. and simply made a joke of it. He never had any regular meetings.

The CHAIRMAN. Do you remember the case of ——— and ———? They were charged with fornication and confined in the county jail for 60 day.

Dr. FRIEDMAN. Yes; I recall it. As I recall that case—I think that was the case—these students both had bad records. The boy came from one of the far Western States. The disciplinarian wrote me a note at the time, stating that this boy had been sentenced for horse stealing, or something of the kind. He had been in trouble repeatedly on the reservation. The girl had been in trouble under the outing system and at the school. She lived on a reservation up in New York, and their influences were extremely bad, and it was a very severe violation of the rules—their getting together. After going over the matter thoroughly we thought an example ought to be made of those students. I turned the matter over to Mr. McKean and asked him to take the matter up with the local county judge and see what could be done. Personally I was in favor of their being sent to a reformatory, in view of their record and the conditions surrounding the case, but they were sent to the county jail. After that they were returned to their homes. It was done as an example for the other students, as well as a matter that concerned them personally.

The CHAIRMAN. That was done at your expense?

Dr. FRIEDMAN. At my expense; yes, sir. I want to say in that connection that we sent about four students away in that way—several of them were boys—and that has been done repeatedly in the past, and the court records of Carlisle show that there have been fewer instances of that kind——

The CHAIRMAN. Have there been other cases where they have been imprisoned for these offenses?

Dr. FRIEDMAN. There was a boy sent to jail. I had him sent to jail because of continued thievery of some kind.

The CHAIRMAN. Stealing pies, was it not?

Dr. FRIEDMAN. It may have been; but he had been guilty of stealing repeatedly.

The CHAIRMAN. You had Mr. Whitwell make that charge. Who did you have make that charge?

Dr. FRIEDMAN. I think that matter was discussed in faculty meeting.

The CHAIRMAN. Some one made the charge.

Dr. FRIEDMAN. I do not recall who it was.

The CHAIRMAN. Do you know that the laws of Pennsylvania do not provide imprisonment for the offense of fornication; that it is only a fineable offense under the laws of Pennsylvania?

Dr. FRIEDMAN. It may be they were fined——

The CHAIRMAN. No; it shows, just as you say, that the county judge ordered them to jail for 60 days.

Dr. FRIEDMAN. Of course, I am not a lawyer, gentlemen, had I took it for granted that the judge was doing what he had authority to do.

The CHAIRMAN. While those pupils were in jail was there any attention paid to them by the school authorities, or were they left

to such punishment and surroundings as surrounded them in the jail.

Dr. FRIEDMAN. They were undoubtedly looked after by the authorities in the jail.

The CHAIRMAN. Do you know whether the boy was provided with any change of clothing or not?

Dr. FRIEDMAN. I presume any jail looks after conditions of that kind.

The CHAIRMAN. The statement has been made—and there is some information, though I do not state it as that—that he stayed there 70 days without a change of clothing.

Dr. FRIEDMAN. That is cause for investigation of the jail.

The CHAIRMAN. I don't know—if you have people put in jail you are chargeable with some knowledge of their rights, I think.

Now, let me ask you this question. You did not have any idea of taking those people back after they came out of jail, did you?

Dr. FRIEDMAN. Oh, no; there was no desire to have them back.

The CHAIRMAN. You not only did not want to have them there, but you did not intend to let them return?

Dr. FRIEDMAN. We did not want them on the grounds.

The CHAIRMAN. Why would it not have been better to send them on home?

Dr. FRIEDMAN. I tell you, a great many of those students come there with very bad records. Once there was a boy sent there who had been sentenced to jail for murder. They send us the worse students on the reservation right along. How can we tell?

The CHAIRMAN. I don't know; I am trying to find out. If you can not tell, how do you know?

Dr. FRIEDMAN. Because I have the letters after they are there, when some little question arises. For instance, there is a girl there by the name of Minnie Apache. She was at Haskell, and whipped a matron there and ran away. She eats peyote. She came to Carlisle and started to stir up things with the matron there—and we have a very excellent matron there.

The CHAIRMAN. Miss Ridenour?

Dr. FRIEDMAN. Miss Ridenour, a woman that is thoroughly conscientious, who looks sterner than she is. She has a good heart, and I think she has the sympathy of the students except when they are agitated and aroused against her by persons on the grounds.

This girl did everything she could to get the matron to send her home, and I wrote to the agent—Mr. Stoker. He says, "We do not want her here. She has been running everybody around here, and what she needs is severe discipline." On one occasion she had some difficulty with the matron, and the matron locked her up here, and when they brought her some food she took the whole tray and dashed it right at them. She had a very stubborn will. We found out on one occasion that her parents were sending her peyote. I just mention that to show the character of some of the students.

This boy that I mentioned was sentenced to the reformatory for killing a man—a very shrewd boy; a man really. Before he got through there he was raising Cain; getting drunk. We have had cases of that kind repeatedly.

The CHAIRMAN. Do you have many cases of immorality?

Dr. FRIEDMAN. I think we have fewer cases of immorality, Senator, than you would have with the same number of white boys and girls under similar circumstances.

The CHAIRMAN. That is a very gratifying statement. How many cases have you had in your administration?

Dr. FRIEDMAN. I presume there is a record over there; I do not think there are very many.

The CHAIRMAN. I presume you do not carry them in your memory?

Dr. FRIEDMAN. For instance, in the last year we have had, I think, three or four cases. I can not recall with accuracy; possibly four or five. We have some cases of students who are sent home who are not immoral; they are simply incorrigible. While the records may show they have been sent home, it would not necessarily indicate that they have been engaged in immorality.

The CHAIRMAN. But is it not a fact that in a good many instances where they have in fact been sent home the records show that their time was up, or that they did not return, or something of that sort?

Dr. FRIEDMAN. No; I think when they are sent home they are sent home on that basis, as a general thing.

The CHAIRMAN. Do you know of any case in which the record was made to reflect some other cause?

Dr. FRIEDMAN. I do not have charge of those records, but the clerk who has charge of that knows the conditions, and I do not think he would—

The CHAIRMAN. Who is that?

Dr. FRIEDMAN. Why, Mr. Meyer.

The CHAIRMAN. He is the clerk that keeps that?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. I suppose he has to get his information to make those entries for somebody? He can not make the records up from his own knowledge?

Dr. FRIEDMAN. He gets the information from the disciplinarian.

Senator LANE. Doesn't he get it from you? Aren't you responsible for those records?

Dr. FRIEDMAN. Yes, sir; and whenever there is a case of immorality he gets the information from me.

(Here followed an informal discussion relating to morality in the school, which was not reported.)

Dr. FRIEDMAN. Most of these cases of immorality which you speak of happened under a previous matron—Miss Gaither. This is a specific case that I think will interest you. A woman there by the name of Miss Jennie Gaither, who came in under Maj. Mercer's administration—she left a small school in Minnesota where she had less than 100 girls, and where she was inefficient, and she was sent to Carlisle. When I came I saw very soon that she was not a good matron, that she was lax in discipline, and that she allowed the girls to do as they pleased. In fact, she was extremely careless and negligent. On one occasion all of the officers in her building came to my office and complained of the laxity of discipline on her building. I wrote to her about it. She is a woman with a sunny smile and troubles never bother her. I reported that woman every six months for four years and nothing was ever done.

I finally told the office that a change had to be made; that I was responsible for those girls and boys, and that a change was funda-

mental if the girls were to be properly protected. There was a heart-rending investigation; everything was twisted upside down, and the result of it was that Miss Jennie Gaither was transferred and promoted to the position of matron of another large school, and from a salary of \$800 to a salary of \$840. She is now at Phoenix, and word comes to me from Phoenix—because I was employed there—that she is absolutely helpless.

The CHAIRMAN. Who made the "heartrending investigation" that you spoke of?

Dr. FRIEDMAN. I think it was Maj. McLaughlin. It was the kind of investigation where there was a tremendous amount of bitterness, and she and her sister wrote a lot of villifying letters, and wrote to Senators and Congressmen, and they stirred up that kind of stuff, and it was prolonged. They were sent there some weeks after the investigation was made.

I simply point that out to you to show that I have been watchful of these questions of discipline, and that they have been brought properly to the attention of the office, but I have no power of removal of employees there.

The CHAIRMAN. Did you see an article published in the Public Ledger, of Philadelphia, under date of January 28, 1914, under the heading of "Gen. Pratt alleged to be seeking revenge on Moses Friedman"?

Dr. FRIEDMAN. I saw it; yes.

The CHAIRMAN. Do you know who wrote or inspired that article?

Dr. FRIEDMAN. I think there was a staff correspondent down from Philadelphia. They sent me a telegram, I believe, and wanted me to write something, and I never answered the telegram.

The CHAIRMAN. Did you give them a statement?

Dr. FRIEDMAN. No; I gave them no statement. This man came down and spent a whole day and night in town looking around, and he was talking to people in town, and he came out to the school and spoke with me a few moments. I told him I could not enter into any discussion of this matter.

The CHAIRMAN. Who was this man, this correspondent?

Dr. FRIEDMAN. I do not recall his name.

The CHAIRMAN. Did you ever know him before?

Dr. FRIEDMAN. No.

The CHAIRMAN. You say the article was written by him. Did you refer him to anyone?

Dr. FRIEDMAN. I referred him to no one.

The CHAIRMAN. The article contains the following and other expressions: "Politics and revenge and ambition are behind the charges." Did you authorize—

Dr. FRIEDMAN. I authorized nothing with reference to that article.

The CHAIRMAN. The statement is also made:

Carlisle accuses Gen. Pratt of having invented the charges made by the Indian Rights Association. The big citizens of the town say he is hiding behind the association, and that he is also using Congressman Arthur Rupley to pull Pratt chestnuts from the fire. It is Gen. Pratt's ambition to return as superintendent of the school.

Do you know whether that is true or not?

Dr. FRIEDMAN. I have heard it stated on a number of occasions. I heard it stated by a very prominent gentleman in Carlisle.

The CHAIRMAN. Who was it that you heard state it?

Dr. FRIEDMAN. I would prefer not to——

The CHAIRMAN. Why?

Dr. FRIEDMAN. Simply because I do not want to involve anyone in Carlisle in the matter. I have heard it from three or four people.

The CHAIRMAN. Who were they?

Dr. FRIEDMAN. I would prefer not to give them.

The CHAIRMAN. I want to find out what they know about it.

Dr. FRIEDMAN. One gentleman—John Hayes—told me on three or four occasions that he had been together with Gen. Pratt during the summer, and that Pratt said he expected to come back here at Carlisle as superintendent; that conditions now were such in the Indian Office that that could be done.

The CHAIRMAN. You have read that article that I have referred to?

Dr. FRIEDMAN. I read it Thursday.

The CHAIRMAN. Is it or is it not a fact that much of the information contained in the article came from you or with your knowledge and consent?

Dr. FRIEDMAN. No. The man came up there and had his story practically prepared. He came out there and saw me for a little while.

The CHAIRMAN. Did you see the story?

Dr. FRIEDMAN. I have seen it; yes.

The CHAIRMAN. Did you see it when he came out there?

Dr. FRIEDMAN. No; I saw it in the newspapers.

The CHAIRMAN. What do you mean?

Dr. FRIEDMAN. He told me that he had seen people in the town and talked with them. He told me at that time that in his judgment it was Pratt and Rupley.

The CHAIRMAN. Did you tell him what you thought about it?

Dr. FRIEDMAN. I told him I did not care to venture into a discussion of it.

The CHAIRMAN. Did he talk with the newspaper man who represents the athletic association—Mr. Miller or Mr. Martin?

Dr. FRIEDMAN. I would not be prepared to say that: I do not know.

The CHAIRMAN. Did he tell you where he got his information?

Dr. FRIEDMAN. He said he had seen a great many of the men in town.

The CHAIRMAN. Did he tell you whom he had seen and talked with?

Dr. FRIEDMAN. He did not tell me.

The CHAIRMAN. Did he ask you whether the information he had was authentic or untrue?

Dr. FRIEDMAN. He did not tell me what information he had, except what he thought about Rupley and Pratt.

The CHAIRMAN. You expressed no opinion to him, and would not give him any information?

Dr. FRIEDMAN. I talked to him about general conditions, yes.

The CHAIRMAN. He was a staff correspondent of the Ledger, I believe, but you did not know what his name was?

Dr. FRIEDMAN. I do not know who he was.

The CHAIRMAN. He was sent down from Philadelphia, you say?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. You have no knowledge whether there is any foundation in the statements in that article or not, you say?

Dr. FRIEDMAN. I am frank to say, as I stated before, that I have heard it repeatedly stated from different sources that Gen. Pratt made those statements. I know from personal knowledge that he has been in correspondence with Mr. Rupley. Now, for instance—

The CHAIRMAN. What are the other sources of information? You mentioned Mr. Hayes.

Dr. FRIEDMAN. Mr. Stauffer repeated it to me that he heard it from Mr. Denny, who was a close friend of Gen. Pratt's.

The CHAIRMAN. Is there any one else you recall?

Dr. FRIEDMAN. I think not. I heard it talked about in town, you understand. I would not care to mention any other names.

The CHAIRMAN. I would like to have all the names. I do not know why you give some of them and withhold others.

Dr. FRIEDMAN. Simply because I do not want to involve anybody in this controversy. I do not see that there is anything to come of it.

The CHAIRMAN. We want full information about it, and I do not know any reason why you should give some names and not all of them.

Dr. FRIEDMAN. You insist upon the name of that gentleman there, and I have no objection to mentioning Mr. Denny's name.

The CHAIRMAN. Do you remember anybody else that communicated that information to you?

Dr. FRIEDMAN. I do not remember any specific names, no. I recall a gentleman speaking to me about a visit Gen. Pratt made here last summer, and another gentleman from northern New York spoke to me about—

The CHAIRMAN. Tell us the names of them as you go along.

Dr. FRIEDMAN (continuing). About having a visit with Gen. Pratt in which Gen. Pratt was condemning the school.

The CHAIRMAN. Who was it?

Dr. FRIEDMAN. Dr. Lake, up in New York.

The CHAIRMAN. What was he doing here? What are his initials?

Dr. FRIEDMAN. I do not know his initials.

The CHAIRMAN. If Gen. Pratt is conspiring to wrongfully oust you from your position here and is actually attacking the school, why do you not want to give us all the information you can?

Dr. FRIEDMAN. Simply because I feel that is a matter I will have to attend to myself. I feel that you gentlemen are not particularly interested in it.

The CHAIRMAN. We are interested in it, of course.

Dr. FRIEDMAN. I feel that that is a matter that concerns me and Gen. Pratt, and that —

The CHAIRMAN. All right; we will see whether it concerns you and Gen. Pratt alone. You are a representative of the Government, as we are, and the Government has an interest in it. Did you know that charges had been filed against you for investigation, charging that you had inspired that article and caused it to be published, and that the charges in the article are false and libelous?

Dr. FRIEDMAN. I read some such statement in the paper, and when I read it I said this, that if Gen. Pratt was sincere and had a grievance there was a better way than that of getting at it —

The CHAIRMAN. And what is that?

Dr. FRIEDMAN (continuing). Than by sending charges to the Indian Office and publishing them in a newspaper. That was to settle them in the courts. There is a slander, and he is accusing me of slander, and the courts of Pennsylvania take notice of that.

The CHAIRMAN. When one thinks he has more than one remedy, he chooses his own remedy, you know, usually?

Dr. FRIEDMAN. Yes; I know.

The CHAIRMAN. And you can not choose your antagonist's remedy every time.

Now, can you give the commission any further information tending to show that Gen. Pratt has been attacking the school or attempting to injure your reputation in connection with it, or cause you to be ousted from the superintendency of the school? Can you give the names of any other persons who have communicated this information to you from whom we may get the information?

Dr. FRIEDMAN. It is a matter I have not given any thought to, and I could not give you any information at present.

The CHAIRMAN. You state under oath that you had no connection with the article?

Dr. FRIEDMAN. I state that.

The CHAIRMAN. And had no responsibility for it?

Dr. FRIEDMAN. No.

The CHAIRMAN. You are a member of the executive committee or board of directors of the athletic association, are you, Dr. Friedman?

Dr. FRIEDMAN. Yes, sir.

The CHAIRMAN. That is a corporation, is it?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. Who are the other members of the board?

Dr. FRIEDMAN. Mr. Warner and Mr. Miller, and there is an advisory committee, composed of a number of gentlemen - Walter Camp, Mr. McCormick, of the University of Pittsburgh; James Sullivan, secretary and treasurer of the Amateur Athletic Union; Dr. Noble; and one or two other gentlemen.

The CHAIRMAN. It has the actual control of the athletic association?

Dr. FRIEDMAN. The association is under the immediate jurisdiction of the executive committee.

The CHAIRMAN. Who are they?

Dr. FRIEDMAN. I have given their names.

The CHAIRMAN. Who controls the disbursement of that fund, the payment of expenditures?

Dr. FRIEDMAN. The executive committee.

The CHAIRMAN. What individuals?

Dr. FRIEDMAN. The entire executive committee.

The CHAIRMAN. Do you have meetings whenever an account is to be paid, and formally present that to the committee?

Dr. FRIEDMAN. No; it does not go through the formality of a meeting, but there is an understanding. Everybody is consulted in the matter.

The CHAIRMAN. As a matter of fact, when you present an account for expenses for a trip to Washington, you simply make out a statement, "Expenses to Washington," giving the date, and hand it to

Mr. Miller, the clerk or treasurer, and he gives you a check for it; is that the way?

Dr. FRIEDMAN. There was a general understanding when I came there that on trips of that kind they were to be handled that way. They had always been handled that way in the past. As a matter of fact under the former administration of the school that entire fund was handled personally by the superintendent, and he asked no one any questions regarding it. He handled it himself, and the records show it was handled in a very high-handed fashion.

The CHAIRMAN. What accounts are properly payable out of that fund? Is there any rule or principle?

Dr. FRIEDMAN. The account exists for the benefit of the school.

The CHAIRMAN. It ought to be under the control of the school, as a matter of fact, ought it not?

Dr. FRIEDMAN. I have no objection to it.—

The CHAIRMAN. What do you think, as a matter of policy?

Dr. FRIEDMAN. I do not see how you can take up the funds. I do not see how you can conduct an athletic association when you have to get bids and proposals on all these little supplies, and get authority for this and authority for the other. Your association would be killed.

The CHAIRMAN. You think the red tape that would be required would so embarrass the administration of the fund that you could not accomplish anything?

Dr. FRIEDMAN. It would not embarrass it; it would hinder it, hinder the proper conduct of business.

The CHAIRMAN. Why is not that true of the general business?

Dr. FRIEDMAN. In the general business of the school you do not have to spend a certain sum of money at once. If you have to spend it you take it out of your pocket, and you are reimbursed. Here are a great many athletic supplies which do not permit of obtaining bids, and there are many trips that have to be taken by different teams, and sometimes the per diem expenses exceed the Government regulations. There are many conditions of that kind entering into it which would make it impossible for the association to exist if the funds were handled under the regulations of the Government.

The CHAIRMAN. Under what conditions do you charge your expenses to Washington and elsewhere to the athletic association?

Dr. FRIEDMAN. I have done it very seldom; when I go down on some matter of business for the school, or when I visit some institution, or when I attend a game, I have occasionally paid expenses for Mrs. Friedman, in accordance with the custom that has been in vogue there. On some occasions I have had the former superintendent of the school there as a guest of the association.

I have a very meager salary of \$2,650 a year, and I have to pay for my bond out of that. Formerly superintendents there had a salary of more than double what I draw—their regular Army pay of \$4,000 and \$1,000 extra from the Interior Department, and in addition to that a certain sum of money provided for entertaining. And I simply could not go to these games if I did not go in this way.

The CHAIRMAN. I see that by check No. 3508, dated October 24, 1913, a hotel bill at Norfolk was paid by you of \$54.05. Have you any recollection of that item?

Dr. FRIEDMAN. Why, yes; Major and Mrs. Mercer were there. As I recall it their expenses were included.

The CHAIRMAN. How long were you there? Do you know?

Dr. FRIEDMAN. I do not know. Two or three days.

The CHAIRMAN. Was that a football game?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. I see here check No. 3139, November 15, 1912, expenses to Philadelphia, Pa., \$69.20: theater tickets, \$10; additional expense to Philadelphia, Pa., \$22. I presume that was a football trip, too?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. That expense, I suppose, embraced your hotel bill?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. Also check No. 3138, November 14, 1912, expenses to Washington, \$75.65. What was that trip for?

Dr. FRIEDMAN. I do not know whether it was a game or something in the interest of the school. I do not recall.

The CHAIRMAN. When you went in the interest of the school, would you charge it to the expense of the athletic fund?

Dr. FRIEDMAN. Why, on several occasions I did; yes.

The CHAIRMAN. Why did you do that?

Dr. FRIEDMAN. Why, I was there in the interest of the school, and that fund was there for that purpose.

The CHAIRMAN. That is what the fund was for, is it?

Dr. FRIEDMAN. The fund has always been used for expenses of that kind. Gen. Pratt made a trip to Europe with his wife and family and friends, and spent \$3,000.

The CHAIRMAN. Out of the athletic fund?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. Do you think that was proper?

Dr. FRIEDMAN. No, I do not think that was proper. That was purely a pleasure trip.

The CHAIRMAN. What sort of business were you on in Washington?

Dr. FRIEDMAN. Probably up at the department with reference to school matters.

The CHAIRMAN. I see here check No. 2848, January 27, 1912, expenses to Washington, \$42.20. Also check No. 2929, April 9, 1912, expenses \$58.60. I suppose you have no way to refresh your memory. Do you know what that was for?

Dr. FRIEDMAN. To where?

The CHAIRMAN. It does not say.

Dr. FRIEDMAN. I do not recall.

The CHAIRMAN. I think the stub shows it was for some entertainment at your home.

Dr. FRIEDMAN. Why, it was probably a student wedding. There are only two or three occasions when expenses of that kind have been incurred. This last year and for the past six years every commencement there is a tremendous amount of entertaining to be done, and a great many guests, and I have always defrayed that out of my salary. As a matter of fact, I have no money, gentlemen; I am a poor man. I have had to live up to my salary limit because of the tremendous expenses out there; and this year for the first time, after consulting with some of the people out there, the general expenses of the commencement entertainment were handed in to the association. It was

something like \$100. That was a perfectly legitimate expense, and I ought to have collected it every year, but I have always been very timid about using those athletic funds, and I have used them very seldom. In fact, I have gone to three football games this last year, and I have paid for those expenses out of my pocket. I have done that repeatedly; I have paid for those entirely legitimate expenses out of my pocket.

The CHAIRMAN. I always pay them out of my pocket.

Dr. FRIEDMAN. But you are not connected, Senator, with an institution—

The CHAIRMAN. I have been—well, we will pass that. Take check No. 2800, July 26, 1911, expenses to Boston, \$48. Do you know what that trip was for?

Dr. FRIEDMAN. I presume it was a game. I do not recall.

The CHAIRMAN. Do they play football in July?

Dr. FRIEDMAN. July?

The CHAIRMAN. Yes.

Dr. FRIEDMAN. It must have been something else then. There are track meets and things of that kind.

The CHAIRMAN. I wanted to see if you had any memory of it. You stated awhile ago that you had not made many trips at the expense of this fund. There are a good many recorded—not a great many, but quite a number. I call your attention to check No. 2747, November 20, 1911, expenses to Philadelphia, \$55. Was that a football trip?

Dr. FRIEDMAN. Yes.

The CHAIRMAN. July 28, 1911, expenses to Washington, \$17. Do you know what that was for?

Dr. FRIEDMAN. Department business.

The CHAIRMAN. July 11, 1911, \$22, expenses to New York.

Dr. FRIEDMAN. I visited New York several times for the purpose of visiting schools up there. That is quite a distance back, and I could not recall it.

The CHAIRMAN. That would probably be school business proper, do you think, and not athletic business?

Dr. FRIEDMAN. Why, the athletic fund is available for that purpose.

The CHAIRMAN. It seems to have been available for almost every purpose—newspaper correspondents, clipping bureaus, telegraphic returns from elections, commencement expenses, mileage books—

Dr. FRIEDMAN. I am exceedingly sorry that you did not go back in the account and look into it in former years. You would have gotten some interesting information.

The CHAIRMAN. I did not think you would be responsible for that account.

Dr. FRIEDMAN. I think, Senator, you will find this fund has been legitimately used.

The CHAIRMAN. Now, let us see. Under date of May 24, 1910, you made a trip to Hampton; at least, there is a check of that date. What was that for?

Dr. FRIEDMAN. Visiting Hampton, I presume.

The CHAIRMAN. I imagined it might have been that, but what were you doing there? Every time you took a trip you did not charge it to the athletic fund, did you?

Dr. FRIEDMAN. On some occasions I charged it to the General Government account.

The CHAIRMAN. Do you remember a trip to Hampton?

Dr. FRIEDMAN. I do not recall it.

The CHAIRMAN. Was not that at the time of the return of the fleet—what is that Hampton? Is that Hampton, Va.?

Dr. FRIEDMAN. That is where that favorite school of Judge Stephens is. They call it an Indian school.

The CHAIRMAN. What were you doing down there? Looking for points?

Dr. FRIEDMAN. I thought I might pick up some ideas.

The CHAIRMAN. Check No. 1633, October 28, 1909, expenses to Washington, \$87; check No. 1534, September 4, 1909, expenses to Washington, \$16; check No. 1181, January 30, 1909, expenses to Washington, \$70.90. Have you any idea or any way of telling for what purpose those trips were taken?

Dr. FRIEDMAN. They were generally taken in the interest of the school and department affairs.

The CHAIRMAN. On any of these trips that you made to Washington over the Cumberland Valley Railroad and the Pennsylvania Railroad and back, did you use mileage books furnished you by the athletic association?

Dr. FRIEDMAN. I may have done that. I have purchased my own mileage books, and used them from time to time for different purposes. I never noticed which books were used.

The CHAIRMAN. On the occasions that you used mileage books furnished by the athletic association did you ever charge the expenses of the railroad fare also to the Government in your account as superintendent?

Dr. FRIEDMAN. Whenever I travel on Government expense I use personal mileage; I may have had some one with me and used athletic mileage, but whenever I have charged up mileage to the Government I have used my own mileage.

The CHAIRMAN. Then you have never on the same occasion used the athletic mileage book—

Dr. FRIEDMAN. I may have used mileage—

The CHAIRMAN. Of course, you know the records in the office show the number of the books, and the records of the railroads show the number of the books used. And they show that on certain occasions those mileage books were used, and your accounts in the bureau show that on the same day and for the same trips you charged that as an item of expense to the Government.

Dr. FRIEDMAN. That is entirely possible, that I used that mileage, and I may have used a mileage book of the association. I told you a moment ago I have had my own mileage books from time to time, and I have used my own mileage on several occasions.

The CHAIRMAN. Yes; but when you did use the athletic mileage books you should not also charge the Government with the expense of it, should you?

Dr. FRIEDMAN. I do not recall any time that I have ever done that. Just as I say, I have had my own personal mileage from time to time, and I have had other persons traveling with me and on my own personal mileage.

The CHAIRMAN. Where do you buy your personal mileage books?

Dr. FRIEDMAN. In New York and Washington, on a number of occasions. I have got into New York sometimes on some matter and did not have enough mileage, and I have gotten mileage and I have used that mileage on a number of occasions.

The CHAIRMAN. These mileage books are always numbered, are they not, so that the book that was actually used on a given trip can be shown in the record?

Dr. FRIEDMAN. I presume they can.

The CHAIRMAN. Do you know what the state of the athletic fund account is?

Dr. FRIEDMAN. What do you mean by that?

The CHAIRMAN. What are the assets to the credit of it?

Dr. FRIEDMAN. I do not know—\$25,000 possibly, or something like that. I do not recall the exact figure; in fact, I do not keep close tab on it.

The CHAIRMAN. What do you think is the remedy for the conditions that exist in the school that ought to be corrected?

Dr. FRIEDMAN. If you will just allow me, here is a letter here with reference to this corporal punishment. It was written to Mr. Denny, March 18, 1913, after the complaint had been made by one of the boys about his being severe in his punishment [reading]:

MARCH 18, 1913.

MR. DENNY:

I have your report of March 17 with reference to a communication received from William Bishop. While no special credence is being placed in the veracity of Bishop, whose record at this school was distinctly unfavorable and whose record since he left the school has been unsatisfactory, I deem it advisable to let you know definitely what the situation is with reference to punishment at this school.

About five years ago, when I first came to Carlisle, I allowed it to be known at a faculty meeting that I was not in favor of corporal punishment; that other methods of punishment, such as confinement in the guard house, additional work and deprivation of town, drawing money, and social privileges, were more humane and more desirable, because more salutary.

I want to place myself definitely on record with reference to this matter to the extent that under no circumstances is corporal punishment to be inflicted by you or any other employee of this school without first obtaining permission from the superintendent. I am frank to say that it will be a very difficult matter to obtain such permission, because I am not in favor of corporal punishment, believing that it is a relic of barbarous age, which should be eliminated from every Indian school in the country. The mere fact that such punishment has been abandoned in penitentiaries and reformatories indicates how unwise it is to permit its promiscuous use in this school.

Very respectfully,

SUPERINTENDENT.

The CHAIRMAN. Before you answer the question that I submitted to you, you said that among the first things you took up when you went there were the health conditions. What did you find in that regard, Dr. Friedman? What were the health conditions?

Dr. FRIEDMAN. The health conditions were fair, but there were no such facilities as sleeping porches for tubercular students, and I immediately took that matter up and had some sleeping porches constructed on both sides of the hospital, and on the second story in the rear. I had the entire hospital equipped with the most sanitary equipment. I have put in a system of records of students so as to keep track of the various diseases. Careful efforts were made to segregate the tubercular patients and to send them home when they did not improve. I went further than that. There were a number of

places around the grounds that were insanitary. The dining hall was in a very insanitary condition, and the dishes were not washed properly. I put in a dish-washing machine there so that boiling water could be used. The kitchen was improved and a new floor put in, and the dining room was brightened up and made a better and cleaner place.

I found the sanitary arrangements in the large boys' quarters were awful. I reported those repeatedly to the office, and finally we have obtained funds to put up a toilet building there, with the proper toilet facilities, separate towels, etc. The same action was taken in the dairy barn. When I first came to Carlisle the dairy barn was in a bad condition. The cows were dying from tuberculosis, and a new barn was put up. Some improvements have been made in the girls' building, and also some in the small boys' quarters, although we have not had funds enough to go far enough for that. There was a very bad flooding down beyond the school building, which was a breeding place for mosquitoes. It was a very, very bad nasty place. I had that drained, and during the last year they raised \$2,400 worth of vegetables on that one plot. It was originally made as a place for the school garden, but the principal teacher failed to send students there for that instruction, and it was put in the control of a detail of boys detailed under the florist for instruction in gardening. It is a model truck garden, and a tremendous number of vegetables and other things are raised there. In this last season the amount was \$2,400 as I suggested. Other places in the school were drained and made more sanitary.

I also sent for a trachoma expert from the Indian Office, and he came and carefully looked into the trachoma situation among the students, and efforts were made to handle that by segregation and by proper treating.

The CHAIRMAN. Did you find much trachoma there?

Dr. FRIEDMAN. I understood the expert to say on his investigation that he found a smaller percentage there than at other places in the service.

The CHAIRMAN. Dr. Allen stated to-day that between 70 and 75 per cent of all the pupils in the school were affected.

Dr. FRIEDMAN. I think he is off on that.

The CHAIRMAN. How much tuberculosis is there?

Dr. FRIEDMAN. There was an examination made of the school just recently, under the direction of Dr. Dixon, head of the State Medical Board of Pennsylvania, one of the Nation's foremost authorities on that subject, and he spoke of the medical conditions at the Indian school with the highest possible praise, and said that the conditions were favorable. He compared the death rate during my administration of an average of about four with the death rate in the early years of the school, which was as high as 18 and 20.

The CHAIRMAN. Does that correctly state the death rate since you have been here, Doctor?

Dr. FRIEDMAN. Yes, about four.

The CHAIRMAN. What was the number of deaths last year?

Dr. FRIEDMAN. They were larger last year than they were before. I think there were six or seven. I think there were six.

The CHAIRMAN. What was that due to, if you know?

Dr. FRIEDMAN. Something that you can not tell. Sometimes these students get a hasty case of consumption.

The CHAIRMAN. Do you know how many died year before last; that is, 1912?

Dr. FRIEDMAN. I can give you the records. The number of deaths in 1909 was 1; 1910, 3; 1911, 1; 1912, 1; 1913 to November 1, 3. I think there were a total of about 6. In 1888, with about half the number of students, there were 21 deaths. In 1889 there were 18 deaths. That is the way they ran back there.

The CHAIRMAN. I want to ask you briefly about the vocational training at the school. Is that a feature of the school?

Dr. FRIEDMAN. It is.

The CHAIRMAN. What vocational work is done there?

Dr. FRIEDMAN. We give instructions in about 20 trades and in agriculture. I can tell you about that. I am very much interested in the vocational training, and it has greatly improved during the time I have been there. When I first came they had an agriculture instructor who was giving instruction in chemistry, etc., in the school building, and he had general supervision of the farm, and was allowing the farm to grow up in weeds. I felt that ought to be rectified, and we made efforts to get a better agriculture teacher, but the results were bad. We were allowed \$2,000 a year for an agriculture teacher, and a man was obtained who was inexperienced. You can readily see the situation when you remember that in most institutions agriculture teachers will get from \$1,200 to \$5,000 a year, generally nearer \$4,000 a year. I felt that we could better results by having nature study taught in the schoolrooms under the teachers and have them go out on the farm, visiting the farm in classes, and having them given general instruction from the farmer, and also sending the boys out there under the regular conditions.

The CHAIRMAN. Is that the reason the agriculture feature of the school was abandoned?

Dr. FRIEDMAN. The agriculture feature of the school has never been abandoned.

The CHAIRMAN. Didn't you use to have a man giving instruction in it?

Dr. FRIEDMAN. There is a man there. We have two instructors.

The CHAIRMAN. They are called farmers. How many pupils were instructed in agriculture on those farms last year?

Dr. FRIEDMAN. If the people there in the school building were doing their duty, every student in the building would visit the farms regularly.

The CHAIRMAN. Do you know, as matter of fact, that both of the farmers were unable to get a sufficient detail to work the small crops that they produced, and that the pupils that were actually sent on the farm were sent there in the nature of a penalty?

Dr. FRIEDMAN. If that was done, it was entirely without authority from me.

The CHAIRMAN. That would be a very bad system.

Dr. FRIEDMAN. Certainly, it would be a bad system.

The CHAIRMAN. That is what the evidence shows, that the instruction of it is nihil.

Senator LANE. If that condition existed, would not you know it from personal observation?

Dr. FRIEDMAN. That was claimed by one of the men at one time, and I went after one of the people in charge of the dormitory.

Senator LANE. I know; but if it existed last year——

Dr. FRIEDMAN. I think if it existed it would come to my knowledge.

Senator LANE. Would you not absolutely have to know it?

Dr. FRIEDMAN. No; I would not. There are several hundred boys there, but only a small number of boys can be detailed out there, because they would simply be loafing around doing nothing. The disciplinarian is the man who makes out those details. The boys work where they are supposed to work.

Senator LANE. So it might go on without your knowing about it?

Dr. FRIEDMAN. It might, but not long, because the boys would complain about it.

The CHAIRMAN. Do you know whether the same conditions prevail in the shoe shop, or similar conditions; and in the paint shop, the carpenter shop—that is, that boys are detailed there for a short time, and as soon as they begin to show proficiency they are taken out?

Dr. FRIEDMAN. I do not think that condition prevails. They may be taken out for a month on duty some place where they are needed and where every boy on the grounds must take his turn. For instance, there is a certain number of boys in the laundry and a certain number in the kitchen. That is routine work.

Senator LANE. I am not talking about that. We are talking about stone masonry——

The CHAIRMAN. Where the trades are taught?

Dr. FRIEDMAN. They are kept in there, I believe, pretty regularly, unless a boy asks to be changed.

The CHAIRMAN. If the condition did not prevail, would you know it?

Dr. FRIEDMAN. I see the details.

The CHAIRMAN. Take the tinner's statement. He states he had with him this year only two boys that were with him last year.

Dr. FRIEDMAN. The boys may have gone home.

The CHAIRMAN. Doubtless some of them did, but they did not all go.

Dr. FRIEDMAN. And a great many students go out to the country, and a great many are likely to stay there for a whole year.

The CHAIRMAN. Don't you think it a bad policy to send them on those outings when they are studying those trades, unless they are going to have an opportunity to practice the trade?

Dr. FRIEDMAN. It has been the policy for students to go out on those outings, and it may break in occasionally on the trade work; but I tell you, Senator, I believe that our trade instruction is thoroughly organized, and we are getting splendid results with the men we have.

The CHAIRMAN. Those that are giving the instruction say they are accomplishing nothing. I will say to you frankly that we have had every one of them.

Dr. FRIEDMAN. Did you see Mr. Herr?

The CHAIRMAN. Yes, sir.

Dr. FRIEDMAN. And he was accomplishing nothing?

The CHAIRMAN. He said that so many of the boys were taken away from him and placed elsewhere that it was very unsatisfactory.

Dr. FRIEDMAN. I think in the last few months there was complaint to Mr. McKean, and that complaint has not been met properly. I have had the industrial teachers in my office, Senator—

Senator LANE. Didn't you go out and look?

Dr. FRIEDMAN. I go through the shops every day.

Senator LANE. You ought to be able to tell.

Dr. FRIEDMAN. As far as I can see, the boys are there.

Senator LANE. If that condition went on and you could not see it—I went through there to-day myself, if you will pardon me, and I found that condition prevailing. I found the same information was volunteered to me. They are either detailed to something else, or go to the country.

Dr. FRIEDMAN. They are detailed to go to the country.

Senator LANE. And they are accomplishing little or nothing in that way. That is the statement of all of them.

Dr. FRIEDMAN. I want, with all due respect, to say that I have watched that training, probably many thousand boys. I have watched their careers after they have gone out. I have got 50 to 100 of them places at their trades each year.

Senator LANE. You have a tin shop there?

Dr. FRIEDMAN. Yes.

Senator LANE. What kind of tin do you use? Is it X, XX, XXX—

Dr. FRIEDMAN. I presume, all kinds.

Senator LANE. You can not do that.

Dr. FRIEDMAN. I might want to make a heavy bucket.

Senator LANE. Then over in your blacksmith shop—who is your best mechanic there? Who is your best student in blacksmithing?

Dr. FRIEDMAN. They go through a course of exercises.

Senator LANE. What is he perfecting himself at now? General forging work?

Dr. FRIEDMAN. They get a try at blacksmithing, wagonmaking—

Senator LANE. Blacksmithing?

Dr. FRIEDMAN. The making of tires for wheels.

Senator LANE. Have you noticed his progress lately in his work?

Dr. FRIEDMAN. I have not been over there for some time, but previous to Mr. Linnen's coming I have gone there every day, and have not missed a day.

Senator LANE. Have you noticed the brick department, where they are laying brick?

Dr. FRIEDMAN. I do not know—

Senator LANE. And the plastering department.

Dr. FRIEDMAN. They put this brickwork up, and they pull it down, and they use a very weak mortar, so they do not ruin anything. They have a place erected there for plastering. They put it up, and when they are fairly proficient at it, if there is outside work to be done they are put at that.

I will just give you an example, Senator. The boys did all the plastering over the dining hall, every bit of it. They have done every particle of the mill work on nearly \$200,000 worth of work on the buildings there in the last six years. They have done every particle of painting there. This year was the first year we have hired painters, and we have 50 buildings.

The CHAIRMAN. How does it happen you are hiring painters?

Dr. FRIEDMAN. We had a tremendous job in the girls' building, and I did not want the boys there while the girls were there. Every particle of painting work there is done by the students. The buildings are repainted every two years, and practically all that is done by the students.

Senator LANE. They should be doing it.

Dr. FRIEDMAN. Why, certainly. That shows they are getting instructed. You can not say they are not getting instruction when they are doing those things.

Senator LANE. You said awhile ago that since Mr. Linnen had been up here things had been upset. What did you mean by that?

Dr. FRIEDMAN. I want to be very frank—

Senator LANE. Let me tell you something about that. I used to be superintendent of an institution myself, and we built buildings with insane people.

Dr. FRIEDMAN. We have an expert mason there. Mr. Lamason is one of the weak men over in that industrial department. The industrial departments are generally manned by strong men. We have two men in the carpenter shop. Mr. Herr, the head carpenter, is a very active man. Mr. Gardner, when I came to Carlisle was drawing the same salary that Herr was and there was no one in charge of the shop. I felt that one of the men should take charge, and after observing their work for some time and making inquiries I selected Mr. Herr, and his salary was made \$900 instead of \$800. Mr. Gardner, of course, did not like that very much, and any testimony from Mr. Gardner will reflect that fact.

Senator LANE. The tailor—

Dr. FRIEDMAN. The tailor is a fairly good man. We make the clothing for the school, but very few boys go out in that trade. We do not make civilian clothing.

The CHAIRMAN. Does the tailor repair the clothing for the small boys? What do you do with them?

Dr. FRIEDMAN. A certain amount of that clothing is repaired in one of the sewing rooms, I think. You mean the outside clothing?

The CHAIRMAN. I mean for the small children; yes.

Dr. FRIEDMAN. I think all the outside clothing is repaired over at the tailor shop. The people at the quarters are supposed to send it over there.

The CHAIRMAN. He says it is not done there, and the lady in the sewing department says it is not done there.

Dr. FRIEDMAN. They send it down—what is the matter with the disciplinarian?

The CHAIRMAN. That is what we are trying to find out.

Dr. FRIEDMAN. What is Mr. Denny doing with his clothing?

Inspector LINNEN. Selling it for old rags, thousands of dollars worth a year.

Dr. FRIEDMAN. I did not finish what I was going to say about Mr. Linnen, gentlemen. Mr. Linnen came to Carlisle in an extremely critical and antagonistic mood. I came there a day or two after he was there, and he did not come into my office until I asked to see him—did not come near me. I have met Mr. Linnen on a number of occasions, and he has hardly been polite. I met him one day some days ago on the outside of the office building, but he did not recognize me. His attitude has been one of hostility, and it has been shown

towards the management of the school before both the students and the employees.

Senator LANE. Mr. Linnen has not made these statements. They came from the employees.

Dr. FRIEDMAN. I am making them now, sir. I am entitled at least to a fair deal. I have been investigated before, but I have never seen anything that has been done in the same high-handed manner that has characterized the conduct of Mr. Linnen since he has been at Carlisle. He has objected to certain things that employees were doing, before the students—which is vicious, and any one that has had anything to do with students know how quickly those things will travel. He has talked about the number of people he has gotten out of the service and seems to feel that that is a proper thing to discuss with the employees. His attitude toward the men who he found out the day after he got there were friendly to me has been one of hostility.

I think you gentlemen should know that, and I intend to go on record.

Representative STEPHENS. If there is nothing wrong he can not hurt you.

Dr. FRIEDMAN. What is the tendency of conduct like that? The students take these things up; employees take these things up. They are influenced by actions that begin on one side or the other.

Inspector LINNEN. You are under oath now.

Dr. FRIEDMAN. I am under oath.

Inspector LINNEN. I desire to say that your statements are absolutely false, each and every one of them, that you have made here.

Dr. FRIEDMAN. I contradict you here, and I can prove what I say. For instance, Mr. Linnen had picked up a paper with this account in it regarding this story of Pratt's, and he and Mr. Warner were going down in the car together——

Representative CARTER. How do you know?

Dr. FRIEDMAN. Mr. Warner told me.

Representative CARTER. You just heard it, Mr. Friedman?

Dr. FRIEDMAN. I have personally observed these things.

The CHAIRMAN. That is not testimony, what somebody else told you. I have not objected to your repeating anything that you know, but what somebody comes and tells you——

Dr. FRIEDMAN. Well, I have seen with my own eyes——

The CHAIRMAN. You can tell what you have seen with your own eyes.

Dr. FRIEDMAN. I think if you would examine these employees, gentlemen of this committee, you would find what I say would be borne out. I mention that because that sort of thing is of great importance. A thing like that in the Army would not be tolerated—a man coming around, making an inspection, criticizing employees before students, and finding fault with the employees before students.

The CHAIRMAN. How is it you can not get along with any of your students and but few of your employees?

Dr. FRIEDMAN. Why, that is not true, if you are making the assertion by asking the question.

The CHAIRMAN. What is the state of feeling of the pupils toward you?

Dr. FRIEDMAN. I think, at present——

The CHAIRMAN. I am not asking you what it was last year.

Dr. FRIEDMAN. At present, from the agitation of certain employees, there is a feeling of unrest.

The CHAIRMAN. What is the state of feeling of the employees toward you, as a rule?

Dr. FRIEDMAN. It has always been good.

The CHAIRMAN. What is it now, do you know?

Dr. FRIEDMAN. There has been a good deal of business going on here in the last few weeks; a lot of statements made that I am going to be charged——

The CHAIRMAN. You know whether the relationship is cordial or not. That is what I want to know. Are you cordial toward them, and they toward you?

Dr. FRIEDMAN. My relations with the employees have generally been indorsed by them.

The CHAIRMAN. How much did you have in the garden there last year? How much area did you have in the garden?

Dr. FRIEDMAN. We had a little over 6 acres in the garden.

The CHAIRMAN. You did not have a garden sufficient to supply the school with the necessary vegetables?

Dr. FRIEDMAN. In addition to that we had 20 acres in potatoes. We have been the last two years raising enough potatoes.

The CHAIRMAN. How much potatoes did you raise last year?

Dr. FRIEDMAN. They raised 236 bushels on the first farm and 425 on the second farm. Last year was not a very good year.

The CHAIRMAN. That would make, all told, about 700 bushels. Do you think 700 bushels——

Dr. FRIEDMAN. Just a minute; excuse me a minute——

Senator LANE. Take this year; take it right there in that spot. You raised about 700 bushels of potatoes?

Dr. FRIEDMAN. Yes.

Senator LANE. You raised really about 1,100 bushels.

Dr. FRIEDMAN. I must have read the figures wrong. The farmer makes a report here. This is a report for the fiscal year 1913.

Representative CARTER. Seven hundred bushels would not be enough for the school, would it?

Dr. FRIEDMAN. No.

The CHAIRMAN. That would be a little less than a bushel for each pupil, would it not? How much do you figure it would take?

Dr. FRIEDMAN. They are not there a year, Senator. They are only there from September to April, and they eat a lot of bread. Regarding that food business, the students are on a ration. The Government furnishes a ration, and you can not exceed it. We have to account for the potatoes and everything we raise.

Senator LANE. And they say you must not feed them more?

Dr. FRIEDMAN. No; you have to account for everything. Those are taken up on the accounts.

In this connection I want to say to you, gentlemen, that I do not get any vegetables or any stuff from the farm. My predecessors did, but I continued it for a year or two, and every time there was any difficulty with an employee that was one of the charges brought against me, that I was eating Government food, and we get no vegetables or milk or butter at all.

Inspector LINNEN. If the records show you do, then, they are false, are they?

Dr. FRIEDMAN. The records do not show we do.

The CHAIRMAN. Have you examined the records? I will state this to you: I do not regard it as important, and did not intend to call attention to it, but I saw two old reports made by the former dairyman, showing a certain number of pounds of milk delivered to you on different occasions.

Dr. FRIEDMAN. There may have been some special occasion for delivering that milk for students' use. We have had half a dozen weddings in our house, and we have had 150 to 250 students there, and they have been looked after.

The CHAIRMAN. Now, I want to ask you about the use of whisky among the boys in the school. Do they use much whisky?

Dr. FRIEDMAN. I do not think they use anything like the amount of whisky that white boys do.

The CHAIRMAN. Do you know how many boys were in the lockup last night, each one having been sent there for using whisky?

Dr. FRIEDMAN. I understand there are some boys there.

The CHAIRMAN. How many?

Dr. FRIEDMAN. Something like six.

The CHAIRMAN. I understand there were seven.

Dr. FRIEDMAN. I did not understand they were charged with drinking whisky.

The CHAIRMAN. What were they in there for?

Dr. FRIEDMAN. I did not understand they were all there for drinking whisky.

The CHAIRMAN. What for?

Dr. FRIEDMAN. For difficulties in the grounds.

Senator LANE. If a boy is in the lockup don't you go to see him?

Dr. FRIEDMAN. Yes, sir; I go through the lockups. I generally go through the lockups once a week, whether there are students there or not. My interest in the lockup is shown by the fact that we had a miserable old guardhouse, and we put up that new lockup.

Senator LANE. You have a nice, pretty lockup for them now?

Dr. FRIEDMAN. It is a lockup; it is for that purpose, Senator.

Senator LANE. Home like?

Dr. FRIEDMAN. Why, you don't punish these students with corporal punishment. What are you going to do with them?

Senator LANE. I thought you being the superintendent it would be your duty, a kind of fatherly duty, to go down there and see what the young fellow was in for.

Dr. FRIEDMAN. I go down there, Senator, from time to time. Whenever there is a very severe case of discipline it generally comes to my attention.

Senator LANE. What are your duties, general supervision?

Dr. FRIEDMAN. General supervision and keeping the condition of the plant in good shape; looking after the finances, the purchase of supplies, the handling of about \$200,000 a year, supervision of the work in the industrial departments, general supervision of the academic work, and general supervision of the health.

Senator LANE. And keeping up the moral tone of the students?

Dr. FRIEDMAN. Yes, sir; I speak to the students continuously, and I see the students in my office when they have any difficulties of their

own. I obtain employment for a great many of them on the outside. I write a great many letters to former students, encouraging them. I write from 6,000 to 7,000 letters a year to former students encouraging them in right methods of living.

Senator LANE. Do you check out through the quarters, down through cook house, and here and there and everywhere?

Dr. FRIEDMAN. I am always around the grounds. I go through the quarters.

Senator LANE. Do you examine the beds?

Dr. FRIEDMAN. Yes, sir.

Senator LANE. What kind of mattresses are you using there?

Dr. FRIEDMAN. They are mattresses sent by the department. They are not very good.

Senator LANE. What are they made of? Do you know?

Dr. FRIEDMAN. I do not know what they are composed of.

Senator LANE. Did you ever cut one open?

Dr. FRIEDMAN. I do not know what the material is.

Senator LANE. Did you ever lie on one?

Dr. FRIEDMAN. They are not very good mattresses, Senator. They are purchased by the department for the Indian schools in the service, and they are sent there.

Senator LANE. And you accept them?

Dr. FRIEDMAN. We can not help it.

Senator LANE. Can't you ask for a different sort?

Dr. FRIEDMAN. We have done that with a number of things. We are taking that matter up with regard to coal.

Senator LANE. Let us hang on to the mattresses. When a mattress gets hard and so it is very uncomfortable, do you remake it and loosen it up? Do you have a mattress shop?

Dr. FRIEDMAN. We have no mattress shop.

Senator LANE. Do you work over your mattresses there?

Dr. FRIEDMAN. We have no upholstery department.

Senator LANE. How long have they been there?

Dr. FRIEDMAN. Six years.

Senator LANE. Well, if you stay there six years more they will be hard as rocks.

Dr. FRIEDMAN. They are thrown out. Haven't you condemned a few?

Inspector LINNEN. Some old double mattresses; not single mattresses.

Dr. FRIEDMAN. That is the general method. It is not desirable to keep mattresses in the school there year after year. How are you going to clean them, Senator?

Senator LANE. If they are hair mattresses it is easy to steam them.

Dr. FRIEDMAN. How are we going to steam them? We have no steaming apparatus.

Senator LANE. Well, there are the hair dealers.

Dr. FRIEDMAN. The general feeling is, I thought, that when those mattresses have been worn out a little bit they are to be replaced. I am very thankful for that suggestion. That stuff is in there, Senator.

Senator LANE. And they stay there until they are condemned?

Dr. FRIEDMAN. Until they are condemned.

Senator LANE. And you never cut one open?

Dr. FRIEDMAN. I have seen what was inside of them, but I do not recall. We get all our supplies from the department. We formerly purchased a good many of them, and we could select the material with a great deal more care. For instance, our coal—we have always purchased coal, and we have gotten good coal. This year the department insisted upon the coal being purchased away, and we have a tremendous amount of coal there and it has not given satisfaction. A great deal of our supplies in the way of dried fruit and other food supplies are just beginning to come in, in the last month or six weeks—half of the year gone by—breakfast food, for instance. We have sent letters and telegrams, and the supplies are just coming in, and half the year is gone. The students are there, and we have had to substitute something else.

The CHAIRMAN. I want to ask you about a boy who used to be a pupil by the name of Yuda. Do you remember him?

Dr. FRIEDMAN. Yes, I remember him very distinctly. He is more negro than Indian.

The CHAIRMAN. He was a pupil there under you, was he?

Dr. FRIEDMAN. He was a pupil there, and the question came up with reference to his graduation last year, and he was finally allowed to graduate because Mr. Whitwell strongly urged it against my own better judgment and the better judgment of the senior teachers.

The CHAIRMAN. How did the question arise?

Dr. FRIEDMAN. He is a boy that is a very shrewd fellow. He had been a janitor there in the school building. He had not been paying much attention to his studies. He took advantage of his teachers, and Mrs. Fester did not feel—

The CHAIRMAN. It was a question whether he had mastered his work sufficiently?

Dr. FRIEDMAN. Yes. He was a janitor down in the school building, and he had been in difficulty with boys—taking boys down town. It was claimed he had taken boys to bad houses there, and helped them to get liquor. When he left there I furnished him transportation to his home, and instead of staying there he came back, and he has been a source of annoyance and trouble to the school ever since. He has opened up a little restaurant near the school there, encouraging the boys in all kinds of evil business.

The CHAIRMAN. He was employed down there one time by a man engaged in the ice cream business?

Dr. FRIEDMAN. Yes; I did everything I possibly could to get him out of town. I told the man the kind of influence he was having on the students, and asked him to let him out, because Yuda had promised me when the transportation was furnished him to his home that he would stay there. You can see the situation with all these Indian boys around the town—our girls going down town every other Saturday.

The CHAIRMAN. He is a kind of agitator any way, isn't he?

Dr. FRIEDMAN. Oh, he is a bird. I have seen a great many boys—I don't know whether it is darky blood or not, but he is one of the shrewdest young chaps I have seen. He got the best of me on that; I did not get him out of town. I have recently been trying to find out whether he has been disposing of liquor to boys, and I had a watch placed on his store, and the man that was watching said he saw boys

coming out with bottled liquor, but could not prove they got it in there.

Representative STEPHENS. Was there a young man that was a telegrapher that you also ordered to leave the town?

Dr. FRIEDMAN. I do not recall any boy that was a telegrapher. There was a boy down town who was married and getting along nicely. I did not interfere with him.

Representative STEPHENS. When did you abolish that department of telegraphy?

Dr. FRIEDMAN. This year, for this reason——

Representative STEPHENS. You still give it in your catalogue, don't you?

Dr. FRIEDMAN. We do not print the catalogue every year.

Representative STEPHENS. Wasn't it abolished last year?

Dr. FRIEDMAN. No; it was abolished at the end of last year, and we have not printed a catalogue for more than a year.

Representative STEPHENS. You have no photography department here?

Dr. FRIEDMAN. No photography.

Representative STEPHENS. You have a building?

Dr. FRIEDMAN. That building was put up before I came, and was for art work and photography. There were no facilities for teaching photography, and it was being used more or less as a loafing place, and my plans are to remodel the building and use it for teaching the girls cooking.

Representative STEPHENS. You eliminated also Indian art?

Dr. FRIEDMAN. That was done by direction of the department—the Indian Office.

Representative STEPHENS. Since when was that order issued?

Dr. FRIEDMAN. Some years ago they asked me about the abolishment of the two positions occupied by Mr. and Mrs. Dietz. I told them I thought they were an asset to the school and I did not think the positions ought to be abolished.

Representative STEPHENS. How about the harness department?

Dr. FRIEDMAN. The harness department was abolished for this reason: Harness is not now made by hand; it is generally made by machinery. They had been having 30 or 40 boys there; the harness was cut out for them, and they were sewing up harness, and when I looked into their future careers they were not following up the harness trade. So that was combined with the shoemaking.

Representative STEPHENS. Don't your catalogue show also that you have a horticultural department?

Dr. FRIEDMAN. Well, that has reference to the florist's work and work of that character.

Representative STEPHENS. Is there anything of that kind taught in this school?

Dr. FRIEDMAN. We have a greenhouse. We have a man who is a German and a very competent man.

Representative CARTER. He is a gardener, too, is he not?

Dr. FRIEDMAN. He is a gardener, too. In this greenhouse they start these cabbage plants and various plants for the garden during the spring months, and then they set them out when the proper time comes.

About the catalogue, Congressman, we have no facilities for printing a new catalogue every year, and the last one that was printed was some time in 1911.

Representative STEPHENS. But your report shows you have a department of telegraphy there.

Dr. FRIEDMAN. The telegraph department was abolished the beginning of this year, or the latter part of last year, and for this reason: There was no way of keeping tab on the boys. The man who was giving instruction in telegraphy was employed most of the time in the office, and he was not giving any supervision to the boys. So it was found best, on account of the small number of boys taking up that work, to abolish it.

The CHAIRMAN. Do you know how many hogs have been sold from the farm during this year?

Dr. FRIEDMAN. I could not tell you the exact figures. There has been a recent sale of a number of them. I presume from \$1,000 to \$2,000 worth of hogs have been sold each year.

The CHAIRMAN. Do you know how many have been consumed by the school?

Dr. FRIEDMAN. A good many of them. And I spoke to the quartermaster about killing the hogs, and he said that on a previous occasion they killed a good many of those hogs and fed the students this meat and there was a breaking out of some skin disease.

The CHAIRMAN. He was afraid to feed them pork?

Dr. FRIEDMAN. Yes; that is, too much.

The CHAIRMAN. As a matter of fact, there have been only seven hogs killed there this year for the use of the students?

Dr. FRIEDMAN. The records will show.

Senator LANE. But you would not have to kill them all at one time?

Dr. FRIEDMAN. No.

The CHAIRMAN. Why would it not be a good plan?

Dr. FRIEDMAN. That is his idea. Mr. Kensler has been in the work for years. He is a very competent man, and takes a personal interest in the students. Why, gentlemen, to look at those students—you hear so much about this food—look these students over. Do they look like they are starved? Do they look like they are not taken care of?

I want to tell you about this food. Since this food business has been started—why, they kicked about the food there in the club where the employes have their own club. I was at one of the biggest hotels in the country not long ago and a bunch of four men sitting at the table next to me said, "The food is rotten." Just the other day one of the students complained about there not being any food on the table. The dining-room matron, recollecting some of this agitation, went up and said, "I know there was meat on this table, because I saw it put on there, and if you girls don't find that, I am going to send for the matron." And they got down under the table and dug it out.

The CHAIRMAN. Of course, each pupil should be provided with a cup and knife and fork and the necessary utensils. Did you know there were many instances there of two or more pupils using the same utensils and quarreling about it?

Dr. FRIEDMAN. I presume that has been very current just recently.

The CHAIRMAN. When anyone goes into the dining room and sees those things and knows that the table is not supplied, it is not quite an answer to say that those things have been very current quite recently.

Dr. FRIEDMAN. I will tell you what the matron told me. She said it was a very difficult matter to keep knives and forks on those tables. The students take them to their rooms. In one room she found a large number of knives and forks stuck away in the corner, and napkins that had been taken out. We are supplied with a certain amount of that material.

The CHAIRMAN. Of course, some of them get lost and broken, but when a man sits down to a table under ordinary conditions he ought to have a knife and fork and spoon.

Dr. FRIEDMAN. I am sorry I have not spoken to the matron about that. Mr. Ridencour reports to me that students have been taking a lot of those things away since this matter came up. I have been through the dining hall myself. I have had the doctor go over there and eat his meals over there, and I have had a meal over there.

Senator LANE. Do you go regularly and inspect the meals?

Dr. FRIEDMAN. There is hardly a day I do not go over there.

Senator LANE. At mealtime?

Dr. FRIEDMAN. Sometimes when they are eating.

Senator LANE. To inspect the food?

Dr. FRIEDMAN. Yes.

Senator LANE. And the rations that are issued?

Dr. FRIEDMAN. I get a report every morning as to the amount of food issued to the students, just what the amount was in the morning, afternoon, or evening, and the amounts of food that have been used each day. We can not exceed that allowance. I have exceeded the allowance of bread the last two quarters, and an exception will be made to my accounts, and I will be responsible.

The CHAIRMAN. When were you last in the dining room and had a meal there?

Dr. FRIEDMAN. It has been some time ago; I could not tell you.

The CHAIRMAN. Now, how long ago? You said three or four times.

Dr. FRIEDMAN. It has been within the last year or two.

The CHAIRMAN. Is that as definite as you can make a statement?

Dr. FRIEDMAN. I do not eat very many meals over there, I am frank to tell you. There is no necessity for that. I go over there right along—go over there to that dining hall.

To show you my interest in the work in that department, several years ago when there was a change in the cook there, we had a lady cook who was not a very good cook. I took the matter up especially with the department and asked them to increase the salary of cooks so that we could get a good man, and we have gotten a man since that time.

The CHAIRMAN. What are the sanitary conditions in and around the bakery?

Dr. FRIEDMAN. Generally they are pretty good. I have a badly situated bakery. It is down in the basement, and the conditions of light are not entirely suitable. The only complaint I have had to make about the bakery is that it is situated there under that porch, and there is a lot of that dirt flying in under that porch, and fre-

quently I have had to speak to the baker about having old clothing hanging around.

The CHAIRMAN. All right, Doctor. We are very much obliged to you.

(Thereupon, at 1 o'clock a. m., Sunday, February 8, 1914, the commission stood adjourned.)

SUNDAY, FEBRUARY 8, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Carlisle, Pa.

The commission met at 9.40 o'clock a. m.

Present: Senators Robinson (chairman) and Lane; Representatives Stephens and Carter.

TESTIMONY OF MISS LELAH BURNS.

The witness was duly sworn by Senator Lane.

Senator LANE. What do you do?

Miss BURNS. I am a teacher.

Senator LANE. At Carlisle?

Miss BURNS. At Carlisle.

Senator LANE. What do you know about conditions there? How long have you been there?

Miss BURNS. I have been there two years and five months.

Senator LANE. In what department?

Miss BURNS. I have been teaching ever since I came.

Senator LANE. I know, but—

Miss BURNS. The academic department.

Senator LANE. What type of students do you have? Are they young students or older girls?

Miss BURNS. The grade, you know, makes no difference in the age of the students.

Senator LANE. What grade is it?

Miss BURNS. The beginning of the fourth grade. Some of my students are young and some are old.

Senator LANE. Where were you employed before you went to that school?

Miss BURNS. As a public-school teacher in West Pittston. I taught public schools 12 years before I was employed in the Indian Service.

Senator LANE. What are the conditions out there in the way of advancement of pupils? Are they bright, or how is that?

Miss BURNS. Mainly the children are bright. As far as the advancement of their work is concerned I would say that they compare very favorably with the public school. In public school I taught the fifth grade, first primary, and the third, and these children seem to me to be just about on a par with the public schools of this city.

Senator LANE. About the average of children elsewhere?

Miss BURNS. Yes, sir; they impress me as being very little different from white children.

Senator LANE. Have you been around through the administrative part of the institution?

Miss BURNS. During my vacation I worked in the office one summer, and I have worked in the dining room as dining-room matron.

Senator LANE. How long ago was that?

Miss BURNS. Last summer I worked as dining-room matron. The summer before that I worked as dining-room matron for three or four weeks and then went in the office for the rest of the summer. I have also worked in the printing shop in the summer time.

Senator LANE. Now, then, you are pretty tolerably familiar with conditions there, you think, do you?

Miss BURNS. Well, I am familiar with those that have come under my immediate notice.

Senator LANE. What is your opinion about the school? Is it in good condition, everything going along harmoniously to the benefit of the Indians and in the manner it should?

Miss BURNS. That is rather a broad question.

Senator LANE. Well, in a general way. Does it seem to be prosperous and doing its full duty by the Indians as wards of the Government? Is everything harmonious out there between the teachers and the pupils—the administration and the pupils?

Miss BURNS. I have never discovered anything inharmonious between the teachers and pupils.

Senator LANE. Well, say between the superintendent and the pupils. Are they at peace?

Miss BURNS. As far as I know, they are.

Senator LANE. Everything, then, is all right?

Miss BURNS. Everything that has come under my personal observation has been pleasant and agreeable.

Senator LANE. What do you know about the institution which we ought to know, representing the Government, in an attempt to have it managed properly, that would be of use to us?

Miss BURNS. I tell you, I can answer definite questions better than that. I am perfectly willing to answer any question you ask me, but I do not know that I know exactly how to answer anything as broad as that.

Senator LANE. You are in the academic department, and I guess we have made no investigation of that at all.

Miss BURNS. That is the department I know more about.

Senator LANE. Then we will take up that line. We did not have an opportunity, as you know—we came late Friday, and I guess school will not begin again until Monday morning. The children, you think, are advancing to about the same extent they would in public schools?

Miss BURNS. Generally speaking. Of course, some students are more industrious than others.

Senator LANE. And they are receiving the instruction that is given to the children of ordinary private citizens at public school, are they?

Miss BURNS. Yes, sir.

Senator LANE. What line of work do you use? The course that is used in the public schools?

Miss BURNS. We have our course of study that they have developed for us, and in addition we are trying to follow the orders that come from Washington, and try to adapt ourselves as far as possible to

the State course of study. As I know it, that State course of study is very excellent and could scarcely be improved upon.

Senator LANE. How many children do you have under your care?

Miss BURNS. Forty-nine.

Senator LANE. Is that enough or too many?

Miss BURNS. That is quite enough. Forty-nine, perhaps, would make an ideal school.

Senator LANE. Are you able to do justice to that many?

Miss BURNS. I think so.

Senator LANE. Do you have much individual work to do with them?

Miss BURNS. Just as any school-teacher would have.

Senator LANE. Individual work is that which counts the most, is it not?

Miss BURNS. It certainly is.

Senator LANE. And can a person properly attend to 49, giving them their individual attention, even in the public school or anywhere else? Do you think they can?

Miss BURNS. I think 40 is considered the ideal school.

Representative STEPHENS. Who is the immediate principal of your department of the school.

Miss BURNS. Mr. Whitwell.

Representative STEPHENS. Have you been under him during the two and a half years you have been in the school?

Miss BURNS. I have.

Representative STEPHENS. Do you know the conditions existing between him and the teachers under him? Is it harmonious?

Miss BURNS. It has impressed me that there are really two sets of conditions in the academic building.

Representative STEPHENS. What do you mean by that?

Miss BURNS. I mean there are some teachers who seem to be very friendly with Mr. Whitwell, and who seem to consider that his word is law, and there are others who do not seem to receive the same amount of consideration.

Representative STEPHENS. Then do these people appeal to the superintendent of the school over Dr. Friedman—the ones that do not give Mr. Whitwell consideration?

Miss BURNS. I think I am misunderstood. I meant Mr. Whitwell did not give them consideration. I do not know of any teacher who has appealed to Dr. Friedman except after she has appealed to Mr. Whitwell. I never appealed to Dr. Friedman personally except once, and I had already appealed to Mr. Whitwell personally in the teachers' meeting, and I thought it my duty to appeal to Mr. Dr. Friedman.

Representative STEPHENS. Over Mr. Whitwell?

Miss BURNS. Yes.

Representative STEPHENS. How long ago was that?

Miss BURNS. That was this fall, when we instituted the "study hour," and I was appointed to take the girls from the school building to the girls' quarters at 8 o'clock each evening, and I found in taking these companies of girls over there that the girls were very willing and obedient and very easily managed. The officers took charge of them in the halls and were willing to really assume the charge of them on the way from the academic building to the girls' quarters. But I

discovered that there were two girls going alone from the school building to the hospital each evening. I reported it the first evening, and Mr. Whitwell told me he would look into it. I went back the next day, because I thought it was a matter that could not stand even an hour, and Mr. Whitwell said he could not afford to bother with the hospital.

The next night the two girls went over alone, and there was one boy went. So I went for the boy—I called an officer from Mr. Whitwell's office, and I sent an officer for the boy, who proved to be the janitor of the hospital, and held him there until the girls had time to go. The next morning I spoke to Mr. Whitwell about it again and told him I would speak to Dr. Friedman about it, and I did so, and the matter was attended to immediately.

Representative STEPHENS. And that engendered some feeling between you and Mr. Whitwell, did it?

Miss BURNS. No; none whatever.

Representative STEPHENS. What did Dr. Friedman do then in regard to the matter?

Miss BURNS. When I spoke to him that morning he asked me whether I had spoken to my own superior officer about it. I told him that I had, and also that I was going to speak to Mr. Friedman about it, and that Mr. Whitwell seemed to think that he had no authority in the matter. Mr. Friedman told me he would attend to it immediately, and while I was there he sent an orderly to call the matron to the office. I am not positive, but I think the girls were told to do their studying in the hospital in charge of the nurse instead of coming to the study hour. As far as I know, that is the only exception that has ever been made.

Representative STEPHENS. Do you know anything about the state of feeling between Mr. Whitwell and Mr. Friedman at the present time?

Miss BURNS. I know very little from direct observation. Of course, it is a matter of common gossip, which one does not want to swear to, that the feeling is not pleasant between them. I have heard Mr. Whitwell make derogatory remarks and shrug his shoulders and smile in a sort of way in his own office when Mr. Friedman was mentioned or some order received or something of that sort.

Representative STEPHENS. What is the state of feeling, then, between the body of students and Mr. Friedman, the superintendent? Is it good or bad?

Miss BURNS. That I know very little about from personal observation.

Representative STEPHENS. Those under you, you know.

Miss BURNS. Those under me I know to a certain extent. I have made it a rule to teach my students the subjects I am required to teach them, and to tell them I am their friend, and to help them. Aside from that I should never encourage them in gossiping to me. I do know, however, that last week one of the boys told me he felt Mr. Friedman had not given him a square deal. When I pressed him for an answer he seemed to be lacking an answer. I don't know why. I asked him if it was something directly personal with him, and he said it was not. I never have encouraged the children to gossip to me about conditions on the campus.

Representative STEPHENS. Then, they do not respect the superintendent as they should—the students?

Miss BURNS. No; I do not think they do.

Representative STEPHENS. Do you think this young man was right in speaking of the superintendent so?

Miss BURNS. No; I do not.

Representative STEPHENS. How many others joined him in making such statements?

Miss BURNS. None, to my knowledge.

Representative STEPHENS. Is he the only one you have heard complain of the school?

Miss BURNS. The only one coming directly to me.

Representative STEPHENS. Do you hear any complaints about what they have to eat, or whether they have enough?

Miss BURNS. No; I do not know that I hear anything that I could call direct evidence. Of course, I have often heard children say that their "grub" was not good, or something along that line. They told me they had fish last Friday morning that made them sick.

Representative STEPHENS. Did you ever hear complaints about their not getting enough bread?

Miss BURNS. Well, that is a common complaint. As I told you, I worked in the dining room, and it was my duty as dining-room matron to see that supplies were made to last and to take care of them, and in order to do that I insisted upon it that the bread should be eaten—that the bread that was cut should be eaten before more was placed upon the tables. I was there in the summer time, but in the summer time the meals are really very good, because we have garden vegetables.

Senator LANE. Do you have as many students?

Miss BURNS. Not as many; no, sir.

Senator LANE. Do you have plenty of furnishings for the table in the way of knives, forks, spoons, etc.?

Miss BURNS. When I was there we were short on spoons, and I reported that and received 1 dozen. I was told that when the regular dining-room matron came back she would find the spoons.

Senator LANE. You were short of spoons enough to set the table properly?

Miss BURNS. Yes. Of course, the attendance was not as large as during the year.

Senator LANE. How many would there be there?

Miss BURNS. I have forgotten the exact number, but it would perhaps be anywhere from 100 to 150. I was there when the country party came back, and we had 50. When the dining-room matron went on her vacation she put away the surplus silverware and left enough for all that might be there; but the dining-room girls—helpers we call them—told me the girls had carried spoons to the quarters and had not brought them back, and that I found was true.

Senator LANE. If they would carry them away and never return them, what would you do? Go without spoons?

Miss BURNS. That is a condition I never met. I hardly believe so, though.

Senator LANE. Was the food supply ample, you say, and good?

Miss BURNS. Very good in the summer time. We have the garden vegetables, and their meat supply was good. There was one day

that the large boys complained that the meat was slightly decomposed, and I spoke to the cook about it and told him to hold that meat. The quartermaster came and looked at it and returned the entire consignment to the butcher. From that time until I left the meat supply was all right.

I would like to say that I do not like you to think that there is any personal feeling between me and Mr. Whitwell, because the matter I spoke of was a business matter pure and simple, and I conducted it as such and have regarded it as such ever since.

TESTIMONY OF MISS ADELAIDE B. REICHEL.

The witness was duly sworn by Senator Lane.

Senator LANE. How long have you been connected with the Carlisle school?

Miss REICHEL. I came in August, 1907; almost six and a half years. I taught two years in the public schools in the northwestern part of Pennsylvania.

Senator LANE. What do you know about the institution?

Miss REICHEL. Well, I think I know quite a good deal; but I would rather you would ask me questions first, and if there is anything that you have not thought of—

Senator LANE. Are you under the supervision of Mr. Whitwell?

Miss REICHEL. Yes, sir.

Senator LANE. What grade do you teach?

Miss REICHEL. I teach the four upper grades in history, civics, and spelling, and I have special charge of the freshman class in room 11.

Senator LANE. How do you find the students, comparing the Indians with the whites?

Miss REICHEL. I think it is scarcely a fair comparison, because some of the Indian students have not always spoken English. I think as far as mental abilities are concerned they are about the same.

Senator LANE. Mr. Whitwell and you get along nicely, do you?

Miss REICHEL. We always have.

Senator LANE. You have respect for him as a teacher?

Miss REICHEL. As a man.

Senator LANE. Do you fail to respect him as a teacher?

Miss REICHEL. Yes, sir.

Senator LANE. For what reason?

Miss REICHEL. Well, I have a number of specific reasons that have come under my own notice—and this is nothing personal. There is no personal feeling.

Senator LANE. I want to ask you before you go further, is it in relation to his ability as a teacher?

Miss REICHEL. His work in general. In the first place I do not think, Senator Lane, that Mr. Whitwell is loyal to the superintendent. The reason I say that is because in public assemblies, such as the chapel exercises, he has said things that could not be considered as anything except as disloyal to the superintendent. The teachers could notice it and the students could notice it. I do not think it is right for an employee to criticize any other employee in the presence of the students. He has also made disloyal remarks in the teachers' meetings, when the teachers were all assembled. I do not know—I can not swear—

Senator LANE. What did he say?

MISS REICHEL. Things being carried over his head, and not having any say about this sort of thing. I think it is largely because he has not asserted himself as principal teacher in his school. I think Dr. Friedman has been very just. I can not say he has made disloyal remarks to the students personally, but this I do know, that the attitude of students who go into that office changes in an indefinable way. There is a difference in their feeling toward Dr. Friedman. So far as you can feel it, there is a subtle influence—

SENATOR LANE. Do you think he says something or does something that prejudices them against him?

MISS REICHEL. I think so. Here is another thing. There are cases of boys—I can mention five boys who have worked in Mr. Whitwell's office as janitors who did not have enough to do to keep them busy—and these boys have practically gone out of Carlisle disgraced—those who did go—not because he had a bad influence, but simply because they did not have anything to do. You know this, that idleness will breed almost anything. These boys were Montreville Yuda, for one; Benedict Cloud, for another; Joseph Loudbear, for another. The teachers, one after another, put in protests against keeping that boy in the office. Augustine Knox is another. Louis Schweigman is another. Those are definite instances of boys who certainly have not gained by staying in there.

SENATOR LANE. Were they good boys before they went in there?

MISS REICHEL. So far as I know, Joseph Loudbear has never borne a good reputation, and he should never have been put in the school building where the girls come back and forth.

SENATOR LANE. Who would detail him there?

MISS REICHEL. I do not know.

SENATOR LANE. Whose duty would it be?

MISS REICHEL. The disciplinarian usually details his boys, but he usually sends them where they are asked for.

SENATOR LANE. Has Mr. Whitwell ever had them detailed to his service without having requested them?

MISS REICHEL. Yes; but if he had requested them to be taken out they would have. Those are instances. Here is another thing: Mr. Whitwell, so far as I know, is a good man and all that: I have nothing personal against him, but he does not use good English, for one thing. Expressions such as "I have wrote" and "I will learn him" are common. He is at the head of the academic department in a great school. These things are excusable in some people, but not in the principal teacher of a school like that.

Another thing that has happened to me—this is personal, but I do not have a personal feeling in regard to it—I have gone into Mr. Whitwell's office and had him tell me, "Oh, you are crazy; get out of this." I understand it was in fun, but it is not dignified. Those are little things, perhaps, but I think they go to show—

SENATOR LANE. That the school is not being managed properly?

MISS REICHEL. I do not think it is being managed properly. I have nothing personal whatever against Mr. Whitwell.

Here is another thing: I have been in Carlisle six and a half years, and during that time, to my recollection, Mr. Whitwell has never conducted a recitation in my room. He has never been present in my room to hear an entire recitation. So far as my work as teacher is concerned, I do not know how he can judge it.

Senator LANE. He has not gone through and checked the work you have done?

Miss REICHEL. He has not. When the study hour in the school buildings was resumed this fall, after having been discontinued for six years, the order came that the teachers should be on duty in their recitation rooms. He was to go in every evening and note just the work that was done. I do not think he has been through a dozen times. I have not kept a record, of course. When I am there, I carry out his orders; but I do not go around the campus trying to locate the principal teacher.

Senator LANE. Do you think the efficiency of his department is not being kept up at as high a standard as it should be?

Miss REICHEL. I know it.

Senator LANE. It is deteriorating?

Miss REICHEL. I do not see how it could help it.

Senator LANE. Has he been there as long as you have?

Miss REICHEL. Yes; he came shortly before I did.

Senator LANE. You have had no chance to compare his work—

Miss REICHEL. No, sir; I have not. I compare him with school superintendents I have known on the outside.

Representative STEPHENS. Are the matron and the young lady pupils in harmony?

Miss REICHEL. I think some of them dislike her, and yet I have heard others say they did not.

Representative STEPHENS. What is your feeling toward her?

Miss REICHEL. My opinion is that she is absolutely just. I think she treats all the girls alike. I think she is a conscientious woman. I think perhaps her manner is misunderstood by the girls, but I do not think we can overestimate the difficulties that she faced when she came in there.

Representative STEPHENS. Do the girls go to her and consult with her as they would a mother?

Miss REICHEL. I can not say as to that; I do not know.

Representative STEPHENS. It seems to be a fact that they do not do that; that they are afraid of her.

Miss REICHEL. A great many of those girls won't go to any of us. I have tried to make plain to all of them that I am first their friend and then their teacher, and yet few of them come to me for anything.

Representative STEPHENS. Do you think there is any difference in teachers and matrons in that regard?

Miss REICHEL. I think it would really be easier for a teacher than it would be for a matron, simply because a teacher has to do with a smaller number. She only comes in contact with a smaller number of pupils, and naturally is in more personal touch with them.

Representative STEPHENS. What is the feeling between the matron and Mr. Friedman?

Miss REICHEL. I think she is very loyal.

Representative STEPHENS. How is it between her and Mr. Whitwell?

Miss REICHEL. I think she is loyal to him.

Representative STEPHENS. Is there not a bad state of feeling, in fact, between a good many of the employees of the school and the head of the school?

Miss REICHEL. I think there is a great deal of disloyalty there. I think the disloyalty on the part of the employees has caused all this trouble. There are employees there—I can not swear to this, but it is a matter of common talk that there are employees on the campus who will speak of the superintendent as “Mose.” I never allow any of the students—I can not swear to that, but that is a matter of common talk.

Representative STEPHENS. Why do they call him “Mose”?

Miss REICHEL. That is his name, but it implies a lack of proper respect, and I think it is caused by disloyalty among the employees. I think that is the root of the whole thing. If I could not be loyal to the superintendent I would have the decency to get out.

Representative STEPHENS. Then there must be quite a difference between the pupils and the superintendent?

Miss REICHEL. I do not know that there is. Those are just a few instances that I have heard.

Representative STEPHENS. Have you ever heard him jeered as he was passing around the quarters?

Senator LANE. Have you ever heard of its being done?

Miss REICHEL. I have heard of its being done, but I could not say that it is true.

Senator LANE. I want to ask you young ladies if you were requested to come here?

Miss REICHEL. No, sir; we came of our own free will.

Senator LANE. Were you?

Miss BURNS. No; I was not.

Senator LANE. Was it suggested that it would be a good idea for you to come?

Miss BURNS. No.

Senator LANE. What was the motive?

Miss BURNS. I supposed that the committee wanted to see me. I knew that employees were going over to the Y. M. C. A. hall all day yesterday, talking to the committee.

Senator LANE. They sent for those; they were all subpoenaed, and you are the first voluntary witnesses.

Miss REICHEL. There has been no suggestion. We came voluntarily.

Miss BURNS. When I came down last evening I wondered why the committee had not sent for me. When I came I was told that I was to hold myself in readiness to speak if the committee wanted to hear me. And I stand perfectly willing to answer anything I am asked.

Miss REICHEL. I understand that before we signified our willingness to come down somebody phoned for us, and Mrs. Warner came to the gymnasium for us, and we signified our willingness to testify; so while they sent for us last night, it was not a case of anyone else asking us.

There is one more thing I would like to mention. It is a peculiar state of affairs to me, and I would like to bring it to your notice. I am not accusing anybody. Perhaps it has been brought to your notice with variations that there is a little trouble about girls meeting boys. Two of the boys in my school were involved in this matter, so I know whereof I speak. The boys were put in confinement in the guardhouse and the girls were put in confinement in the rooms they

have for that purpose. If I am not mistaken, one of the boys by the name of Irvin Sherman was released from punishment on Friday, the day of the officers' reception. That evening Irvin Sherman danced with two of the girls and those girls concerned in this affair were not present. The following night was a Saturday night and they had a reception, and the other boys who were in this same affair came over there. One of the boys, who was really the worst of the whole lot and who had made remarks injuring the reputation of one of the girls very severely, came in and spent quite a little bit of the evening dancing with that same girl, and he has since been at two dances, and he has spent a good deal of time dancing with the sister of that girl. That was a queer state of affairs.

Senator LANE. How do you account for that?

Miss REICHEL. The boys are not being punished as severely as the girls.

Senator LANE. Whose fault is that?

Miss REICHEL. I do not know.

Representative STEPHENS. What remedy would you suggest?

Miss REICHEL. Punish the boys the same as the girls are punished, or even more severely.

Representative STEPHENS. Who is guilty of that discrimination against the girls?

Miss REICHEL. I do not know. I think the girls are being punished as hard as they should be.

Senator LANE. Would not the superintendent be the one really to correct them?

Miss REICHEL. I do not think so. I think the disciplinarians are placed there for the purpose of administering punishment. I do not think the superintendent lays down this punishment.

Senator LANE. Assuming they do not administer it equally, then it is the duty of the superintendent to see that they do?

Miss REICHEL. In case it is reported to him.

Senator LANE. Does he not know of this?

Miss REICHEL. I do not know whether he does or not. That is outside of my province, and I feel a hesitancy about interfering with other people's business.

Senator LANE. Do you think it is harmful to the welfare of the institution?

Miss REICHEL. Certainly I do. It is placing the boys where they can get into trouble and get out in a few days, and the girls have to suffer.

Senator LANE. It is an injury to the institution?

Miss REICHEL. Certainly.

Senator LANE. Then, if it were an injury to the institution and the superintendent had no means of finding it out and you had the information, would it not be your duty as a loyal assistant to him to inform him?

Miss REICHEL. I suppose it would. I suppose in a way it is a reflection upon any employee, but still we do not know just how far that has gone, what steps have been taken.

Senator LANE. If you have adopted the course of letting those things go, and other employees do the same, would not the superintendent after a while get into a lamentable condition where he could not defend himself?

Miss REICHEL. I do not know. Of course, this is an unusual case——

Senator LANE. If there are those things being done, and that is the esprit de corps you have there, is not that detrimental, and oughtn't you to be cooperating?

Miss REICHEL. We ought to be.

Miss BURNS. I have just thought of a case of discipline that I think would be a good thing to tell. I spoke of Mr. Whitwell as head of the school. This is one case I was concerned in, and, so far as I know, no one else. It never was settled to my satisfaction.

There was a boy at the school by the name of Leo White. He boarded at the school, and attended Conway Hall. I reported to Mr. Whitwell that this boy met a girl outside of the school building—in broad daylight, of course, but he stayed there 10 minutes and met her. Mr. Whitwell sent for the girl, and she denied it, and the boy denied it. I saw them meet, and I was positive that I was reporting the truth when I reported it, and I felt it was my duty to tell it. Mr. Whitwell told her that she should not deny it, because it had been told by one of the teachers, and that they were seen to meet, and it would do no good to deny what was absolutely true.

When he called up the boy the boy denied it, and he was allowed to go. That boy afterwards told one of the employees he would like to meet the teacher that told about that. Miss Wilson was the one that was talking to him, and in talking to her afterwards I told her I was perfectly willing to meet the boy. Then the two girls from the business department that did Mr. Whitwell's office work went to these students, or at least to the girl—I am not positive they went to the boy—and told them Miss Burns had reported them. I was never called into the matter.

The same thing occurred again, and I called Miss Wilson, and she saw them meet. She was a personal friend of Leo White's and he told her it was not so. After he had denied it, she told him she had seen it, and then I called Mr. Whitwell. I really felt it lowered my professional dignity to allow a boy to say that I told what was not so. The girl was finally suspended, not for any immorality, but for general disobedience and impertinence. Leo White seemed to be a sort of will-o'-the-wisp. He attended Conway Hall. We were having lessons at one time, and for some reason he was at liberty, and the order came around that the boys, in charge of the large boys' disciplinarian—that is, the boys in my room—should go out to rid the campus of dandelions. So I released the boys, and I had four or five girls left in my room. So I spoke to Mr. McKean and asked him what part of the campus the boys were going to work on. He told me, and I said that the day was very warm, and suggested that I take another part of the campus and have the girls out. Mr. McKean said, "Very well." So we sent to the kitchen for knives, and went out back of the teachers' quarters and started to cut these dandelions. They were becoming ripe and were really a menace to the lawn. I took the girls right back of my own quarters. The day was extremely warm, and very soon one of the girls came to me and said, "Miss Burns, Leo White is sitting up there on a lawn mower, and he is making motions and signalling down here, and we don't like him."

So I took them back into one of those courts out of his line of vision, and then I noticed that as the girls went from the school building to

the girls' quarters, this Leo White sitting on the lawn mower kept passing remarks to them. Some of the girls flung their heads and acted rather insulted about it. One started to stop, and I just motioned to her and she went on.

Then I started over to the school building to report to Mr. Whitwell, and, of course, I suppose I was rather excited. I went into his office, and Augustine Knox was in there. Rather quickly I told him that Leo White was sitting out there and annoying the girls that were being excused from the school building to the girls' quarters. Mr. Whitwell said, "We have enough to do to attend to our own department." I said, "This is our own department. When the girls are being excused from school to quarters a boy sits there annoying them." He said, "Give me a particular instance. Don't come in here chewing the rag unless you know what you are talking about." I said, "Just stand here by the window and look, and you will get your particular instance." Just on the spur of the moment I said, "Here comes a girl down the stairs now. You look and you will see that that fellow will annoy her as she passes." So Mr. Whitwell and Augustine and I stepped to the window, and, sure enough, Leo spoke to her. Augustine coughed, and Leo was notified that somebody was watching him, and the girl passed by. Mr. Whitwell said, "We can not be annoyed by things of that sort. We have to attend to our own affairs." I became indignant about it. I said, "If that is the way you feel about it, I certainly shall not belittle myself by reporting things to you." So I went back to my girls, and in the meantime a telephone message had come to the superintendent's office to Miss Ridenour to get out of her office and take care of the girls on the campus and send the boy back to the boys' quarters.

When I spoke to the girls about it they said that this fellow had been whistling and hollering at them. It was a lazy combination: A lawn mower, a mule, and a boy, and a hot summer day. He had a sort of smooth, suave manner, and no matter what I said about it he said it was not so, and I really did not enjoy having my students belittle me in that way.

Senator LANE. What are the moral conditions out at the school?

Miss BURNS. That is another thing that I know nothing about at first hand.

Senator LANE. We need not enter into it, then.

Miss BURNS. I hear things, of course. I never have seen boys meet girls except in this instance.

Then in regard to Augustine Knox. Augustine came over to Mr. Whitwell's office as janitor, and he was a nuisance. He knew more than any teacher, and he bossed the teachers. He would walk into our rooms in front of our students and order us to do things. I had to order him to take his hat off one day.

I have charge of that line going back at the quiet hour, and it has been rather a worry. There has never been anything happened during that march that I have been able to discover, and the girls have been agreeable, but it has been a worry, because the responsibility, I feel, is rather great. During the first part of the year I was rather annoyed at boys who would step from the rooms out to the porches and watch the girls go by. I reported that to Mr. Whitwell the first evening, and he said that we could not have that. He told me to remind him of that the next morning, and he sent a note

saying that the teachers must keep the boys in the rooms until the girls are at their own quarters. That has been done ever since.

Then I complained to him about Augustine. I said, "Augustine comes out into this hall, and he feels it his bounden duty to be pleasant and pass the time of day with every girl that he can speak to." I knew of nothing wrong that he said, but it was a breach of discipline and an annoyance, and he would step back into the office and watch the companies go. I reported that to Mr. Whitwell, and he sort of laughed at it. I reported it again, and Augustine was there, and he said, "The teachers are cranks," which may be true. Then at the teachers' meeting I reported it and said to Mr. Whitwell, "I simply can not have Augustine in your office when the girls are going, or if he is in your office he must stay in there and close the door." I would see that one uniform here and there, and, so far as I knew, there might be dozens of boys in those halls. There is one main hall, with a cross hall halfway down. Augustine would dart about, here, there, and everywhere. At the teachers' meeting he said, "Well, we will have to get rid of Augustine; he is getting girl struck," which was true. The next day Augustine was still there, and he was rather impertinent about the quiet hour. And Augustine remained for two or three weeks.

Representative STEPHENS. Don't you think that the most of your trouble arises from the fact that you have coeducation there, and it is hard to keep the boys and girls separate? The troubles of both you ladies seem to be along those lines. Don't you think it would be for the good of the community to make this either a girls' school or boys' school?

Miss BURNS. I have thought of that myself. I think we are rather sensitive on that subject of the boys and girls meeting, because we feel we have to be eternally vigilant along just that line.

(Thereupon, at 10.30 o'clock a. m., the committee stood adjourned.)

WEDNESDAY, MARCH 25, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS, *Washington, D. C.*

The joint commission met in its office, room 128, in the Senate Office Building, at 10 o'clock, a. m.

Present: Senators Robinson (chairman), Lane, and Townsend; Representatives Stephens and Carter.

TESTIMONY OF S. J. NORI, CHIEF CLERK.

The witness was duly sworn by the chairman.

The CHAIRMAN. What is your full name?

Mr. NORI. S. J. Nori.

The CHAIRMAN. You are the chief clerk of the Carlisle Indian School, Mr. Nori?

Mr. NORI. Yes, sir.

The CHAIRMAN. How long have you served in that grade?

Mr. NORI. Why, since, I guess it was, the last part of Maj. Mercer's administration—1907, up until the present time, I should say.

The CHAIRMAN. You are an Indian?

Mr. NORI. Yes, sir.

The CHAIRMAN. What tribe do you belong to?

Mr. NORI. To the Pueblo Tribes of New Mexico.

The CHAIRMAN. Were you employed in the Indian Service before you became chief clerk at Carlisle?

Mr. NORI. Yes, sir; I was chief clerk since September, 1900.

The CHAIRMAN. About what salary do you receive?

Mr. NORI. I received when I first entered \$660, and now I am receiving \$1,300.

The CHAIRMAN. As chief clerk, what are your duties, Mr. Nori?

Senator LANE. If I may interrupt, does that include subsistence?

Mr. NORI. No; just payment of bills.

Senator LANE. Your salary of \$1,300, does that include board and lodging?

Mr. NORI. No, sir.

The CHAIRMAN. What are your duties as chief clerk and how are they defined?

Mr. NORI. I pay all Government bills—all bills coming under the head of administrative affairs.

The CHAIRMAN. What other bills are there besides Government bills or bills coming under the head of administrative affairs?

Mr. NORI. Bills of a miscellaneous character, which are not appropriated by the Government at times, according to the direction of the superintendent.

The CHAIRMAN. Have you any other duties besides the payment of bills, and do you keep vouchers to cover them?

Mr. NORI. Yes, sir.

The CHAIRMAN. How do you keep your vouchers and what records or books do you keep to show what payments you make?

Mr. NORI. For the vouchers covering payments on Government affairs, I use the prescribed form—regulations that are involved in Government transactions.

The CHAIRMAN. Do you keep a ledger or book of accounts?

Mr. NORI. Yes, sir; cash books, showing receipts and disbursements.

The CHAIRMAN. Do you keep separate accounts as to the different classes of funds?

Mr. NORI. They are all in one book, each having a different head of a different appropriation and different designations.

The CHAIRMAN. What is the "class 4" fund and what does it comprise?

Mr. NORI. "Class 4" fund comprises funds that are received from various sources, such as subscriptions to the paper, any products of the school from the manufacture of articles in the various departments, products of the farm, or anything that may be manufactured in the school.

The CHAIRMAN. That is, when the school manufactures any product or the farm produces any product that is sold, the proceeds of that sale go into "class 4"?

Mr. NORI. Yes, sir.

The CHAIRMAN. And those funds are paid to you and you keep the account; is that correct?

Mr. NORI. I receive it from different sources—from the party who sells these things, and it is brought up to me.

The CHAIRMAN. Do the regulations contemplate that all the proceeds of funds that are to go into "class 4" at that school should come into your hands?

Mr. NORI. Most generally all come to me.

The CHAIRMAN. I know. Has anyone besides you the right to retain those funds?

Mr. NORI. No, sir; I do not think so.

The CHAIRMAN. You keep the vouchers on the regular blank forms prescribed by the Government?

Mr. NORI. Yes, sir.

The CHAIRMAN. Have you those vouchers now?

Mr. NORI. No, sir; they are on file, I presume. There are copies made—two copies are sent to the Commissioner of Indian Affairs and one copy of the voucher is retained for our file.

The CHAIRMAN. Have you destroyed any of the vouchers that you made in the handling of this "class 4" fund?

Mr. NORI. "Class 4" funds?

The CHAIRMAN. Yes.

Mr. NORI. No, sir.

The CHAIRMAN. Have you destroyed any vouchers that you took there?

Mr. NORI. No, sir; I have destroyed some receipts that are not in—on the Government vouchers; and I have changed some vouchers that are Government.

The CHAIRMAN. Why did you do that?

Mr. NORI. By intimation and admonishment of Friedman.

The CHAIRMAN. You mean Supt. Friedman of the Carlisle School?

Mr. NORI. Yes, sir.

The CHAIRMAN. When was it that he first intimated to you that these vouchers should be destroyed or changed?

Mr. NORI. It was soon after he had received a letter from the Commissioner of Indian Affairs regarding the athletic fund.

The CHAIRMAN. Was it before or after the joint commission was over at Carlisle?

Mr. NORI. It was before.

The CHAIRMAN. Do you know about how long before?

Mr. NORI. Well, I could not say very well. I just know there was a letter received from the office relative to the athletic account.

The CHAIRMAN. Do you know whether or not Mr. Linnen, the inspector, had been over there before Mr. Friedman first told you to destroy or change those vouchers?

Mr. NORI. I did not quite catch that, Senator.

The CHAIRMAN. Do you know whether or not Mr. Linnen, the inspector, had been to Carlisle before Mr. Friedman told you to destroy or change those vouchers.

Mr. NORI. Well, he told me before and after.

The CHAIRMAN. Before and after?

Mr. NORI. Yes, sir.

The CHAIRMAN. What I am trying to do is to locate as nearly as possible the first time that he told you to destroy those vouchers.

Senator TOWNSEND. Will you just ask him what he means by "intimation?"

The CHAIRMAN. I am going to in just a minute, when I get the time fixed.

Can you give me a little more definitely the first time that he gave you those instructions?

Mr. NORI. Well, the first time that he gave me those intimations was, as I stated, soon after he had received a letter, and it seemed that he had received word from Mr. Abbott, I believe—of course, I do not know, but—telling him that he should fix up his accounts, as he thought they would be investigated. Then he came to me and said, "If the accounts are not all right, you better fix them up," and that was soon after he had received a letter. And then, from time to time, he asked me if the accounts were all right, and I told him the accounts had gone in, and there can not be nothing done to them, and I guess it was—when Mr. Linnen arrived he then asked me again about these records, intimating that they ought to be fixed up; and after he left—after Mr. Linnen left—then he told me that "You had better fix them up, because you will be implicated."

The CHAIRMAN. Where were you when he made that statement to you?

Mr. NORI. I was in his house alone with him.

The CHAIRMAN. What time was it, as near as you can state?

Mr. NORI. I took some papers over to him about 1 or 2 o'clock in the afternoon.

The CHAIRMAN. How did you happen to go over there?

Mr. NORI. I had to take some papers for his signature.

The CHAIRMAN. You say that he had received a letter or word from Mr. Abbott?

Mr. NORI. He had intimated so.

The CHAIRMAN. Who had intimated so?

Mr. NORI. Mr. Friedman.

The CHAIRMAN. Mr. Friedman?

Mr. NORI. Yes.

Senator TOWNSEND. What do you mean by "intimated," so that we may judge?

Senator LANE. You said Abbott?

Mr. NORI. Abbott.

The CHAIRMAN. You say that he had had a letter from Abbott stating that the accounts were not all right and that they had better be fixed up. Now, what did Mr. Friedman say?

Mr. NORI. He does not directly say anything. He just say "I believe they will; I understand they are going to go over our accounts; you better fix them up. I have reasons to believe that they will be."

The CHAIRMAN. Did he say what reasons he had to believe that?

Mr. NORI. No, sir.

The CHAIRMAN. How did you get the impression that he had had word from Abbott?

Mr. NORI. Well, it was—it was a topic of conversation.

The CHAIRMAN. What?

Mr. NORI. It was a topic of conversation.

The CHAIRMAN. Yes; but when I asked you specifically what he said to you, you did not even mention Mr. Abbott's name. What I want to know is how you couple Abbott with his statement. What was it he said about Mr. Abbott that led you to believe that Mr. Abbott had sent him that word?

Mr. NORI. Well, he just said he received a communication.

The CHAIRMAN. From Mr. Abbott?

Mr. NORI. From Mr. Abbott.

The CHAIRMAN. You, of course, did not see the communication?

Mr. NORI. No, sir.

The CHAIRMAN. Do you remember about when that was that he said he had a communication from Mr. Abbott?

Mr. NORI. Why, I should judge, about two weeks after the office letter came.

The CHAIRMAN. After the office letter came?

Mr. NORI. Regarding the athletic association.

The CHAIRMAN. That was a letter from the Commissioner of Indian Affairs regarding the athletic fund?

Mr. NORI. Yes, sir.

The CHAIRMAN. Did you see that letter?

Mr. NORI. No, sir; I do not believe—I believe I did—I am not certain; but I think it was held by Mr. Friedman and Mr. Warner, so I do not recall.

The CHAIRMAN. When was the last time you talked with Mr. Friedman about these vouchers which you destroyed and changed?

Mr. NORI. Well, it was about three or four days before Mr. Linnen came back the second time.

The CHAIRMAN. Between the time that the joint commission was at Carlisle and Mr. Linnen's second trip there, was it?

Mr. NORI. Yes, sir.

The CHAIRMAN. Where were you when that conversation occurred?

Mr. NORI. We were talking on the walk—in my office there for a while.

The CHAIRMAN. What did he say to you then about the vouchers?

Mr. NORI. He said they ought to be fixed up, and he inferred he wanted me to destroy any evidence there was in connection with them.

The CHAIRMAN. Why did you infer from that statement that he wanted you to destroy everything in connection with them?

Mr. NORI. I do not suppose he wants to bear the responsibility of it.

The CHAIRMAN. Do you know whether or not he knew the vouchers and receipts were not right?

Mr. NORI. Yes, sir.

The CHAIRMAN. How do you know that?

Mr. NORI. Because he instructed me to make those.

The CHAIRMAN. He instructed you to make false vouchers?

Mr. NORI. Yes, sir.

The CHAIRMAN. What was the character of those false vouchers and receipts that he instructed you to make?

Mr. NORI. Well, in regard to the transportation, especially during the years 1908, 1909, and 1910. There was a regulation prohibiting soliciting of pupils, in a general way, and there was times when pupils had to pay their transportation home on account of them not being there the whole length of time—for instance, if they wanted to visit home. Now, in order to get publicity of the school, he intimated, or, he said, that he had an understanding with these pupils that they should interest themselves in behalf of the school, or in some way to help along the cause of the school, either by gathering pupils or escorting them, he would refund their transportation money that they had deposited. These—when the tickets; the tickets are all charged to

the school, and when the—when the bills are presented, Meyer, the clerk, designated on each one just how they were to be paid and whether from personal funds or Government funds. Then those that were marked "personal" I took over to Mr. Miller, the financial clerk, who has charge of the individual Indian moneys, and secured from him the funds. These moneys received and bills I take into Mr. Friedman; then he designates any that he has an understanding with regarding solicitation of pupils. These are held out. Their tickets are paid by the Government; but these are held pending their return or whatever—if they have escorted a pupil or if they have interested themselves for the school; that is a matter between him and the pupil, no doubt. In that time there accumulated quite a sum.

The CHAIRMAN. How much?

Mr. NORI. I should judge between \$500 or \$600 and some cents.

The CHAIRMAN. What was done with the \$500 or \$600 accumulated funds, vouchers for which were held out in the way you have stated?

Mr. NORI. When Mr. McLaughlin, the inspector, came there in 1911, I believe—or 1910 or 1911, I don't just remember—to investigate certain irregularities regarding his pay roll, Mr. Friedman asked me for the statement of these funds, which is kept in sort of a slip-shape, showing each of the pupils with the amounts and the tickets which they used—a statement, I presume, he may want to show to Mr. McLaughlin.

The CHAIRMAN. If you do not know what he did with it, you need not state. Go ahead and tell what you did.

Mr. NORI. I made the statement and gave it to him, with the money, in an envelope.

The CHAIRMAN. Gave it to whom?

Mr. NORI. Gave it to Mr. Friedman.

The CHAIRMAN. Where had this \$500 or \$600 that you have described been kept prior to your giving it to Mr. Friedman?

Mr. NORI. In the safe.

The CHAIRMAN. You say it was in an envelope?

Mr. NORI. Yes, sir.

The CHAIRMAN. Do you know what he did with that \$500 or \$600?

Mr. NORI. I do not know what he did with it.

The CHAIRMAN. Did he ever return it to you?

Mr. NORI. No, sir; I imagine he disposed of it as it was intended.

The CHAIRMAN. You imagine, but you do not know. What became of the vouchers that related to this \$500 or \$600?

Mr. NORI. They were vouchered previously.

The CHAIRMAN. That fund had already been vouchered—credit had been taken with the Government, but the money had been held in the safe there in an envelope and was finally paid over by you to Friedman?

Mr. NORI. Turned over to him.

The CHAIRMAN. Sir?

Mr. NORI. Turned over to him.

Senator LANE. Is that the regular procedure and the proper thing to do?

Mr. NORI. That is a matter I can not question—the superintendent—I do not think it is proper.

The CHAIRMAN. As a matter of fact, you knew it was not proper?

Mr. NORI. I do not think it was.

The CHAIRMAN. You knew that when the voucher of any person was taken for money that the money should go to that person?

Mr. NORI. Yes, sir.

The CHAIRMAN. How long had that fund been in the safe before you delivered it to Mr. Friedman?

Mr. NORI. Of course, it accumulated from time to time—from 1908 to 1910.

The CHAIRMAN. Do you know of any cases where the Government fund was charged with the transportation of pupils for trips that they never made?

Mr. NORI. Yes, sir.

The CHAIRMAN. How much of that class of funds was there, and how was it handled? Just explain that as you did the other.

Mr. NORI. In that respect, for instance, if a boy or a person had interested himself, that is, for the school, it was—whatever it was, the amount that he had incurred or supposed to have incurred, was made up in a ticket form and charged to the Government.

The CHAIRMAN. His voucher was taken or a voucher was taken for transportation which was not used, in order to pay him for something else?

Mr. NORI. Yes, sir.

The CHAIRMAN. Do you know what he was supposed to have done—

Mr. NORI. To receive the money?

The CHAIRMAN (continuing). To receive any money at all?

Mr. NORI. He should have presented a traveling expense voucher.

The CHAIRMAN. A what?

Mr. NORI. He should have presented a traveling expense voucher against the Government.

The CHAIRMAN. Did he do that?

Mr. NORI. No, sir.

The CHAIRMAN. Did the Government actually pay those items of money that you have referred to on tickets and transportation that was not actually used, and who got the money?

Mr. NORI. You mean—

The CHAIRMAN. I mean this: When a voucher was taken for a ticket for, say, John Smith, from Carlisle, Pa., for instance, to some point in Idaho, and he never made the trip at all, was the money actually paid out on the voucher?

Mr. NORI. No, sir.

The CHAIRMAN. What was done with it?

Mr. NORI. It was placed in that envelope.

The CHAIRMAN. In which envelope?

Mr. NORI. Mr. Friedman's.

The CHAIRMAN. In the envelope that was finally delivered to Mr. Friedman?

Mr. NORI. Yes, sir.

The CHAIRMAN. Did the superintendent get credit for the Government voucher?

Mr. NORI. Yes, sir.

The CHAIRMAN. In his accounts?

Mr. NORI. Yes, sir.

The CHAIRMAN. So that the method was, if I understand you, to draw money out of the fund on a voucher showing that the pupil had taken the trip at the Government expense?

Mr. NORI. Yes, sir.

The CHAIRMAN. The money drawn on that voucher was placed in an envelope and kept in the safe?

Mr. NORI. Yes, sir.

The CHAIRMAN. Along with other funds similarly drawn?

Mr. NORI. Yes, sir.

The CHAIRMAN. Until finally \$500 or \$600 had accumulated and you delivered it to Mr. Friedman in an envelope?

Mr. NORI. Just a moment. In that respect, Senator, there were, of course, other funds received, such as the sale of old iron, old bones, old rags—which are not “class 4” money, you understand.

The CHAIRMAN. What are they?

Mr. NORI. “Class 1” money, revertible to the Treasury Department, which the disbursing officer can not receive any claim for disbursement; that is, it reverts back into the Treasury.

The CHAIRMAN. How much of that “class 1” money, coming from the sources that you have just described, was received there that you know of?

Mr. NORI. Oh, I should judge between—maybe about \$300.

The CHAIRMAN. That should have gone into the Treasury?

Mr. NORI. That should properly have gone into the Treasury.

The CHAIRMAN. Did it go into the Treasury?

Mr. NORI. Not unless he put it in without my knowledge.

The CHAIRMAN. What did you do with it?

Mr. NORI. I gave it to Friedman, supposing he would dispose of it, or, if he wanted to use it for some purpose, I would not be able to state.

The CHAIRMAN. Since you have been there, have you ever paid anything out of this “class 1” funds back into the Treasury? Have you covered any part of the moneys received from such sources back into the Treasury?

Mr. NORI. Yes, sir.

The CHAIRMAN. But there has been about \$300 received from the sale of bones and rags and serap iron that you paid over to Friedman?

Mr. NORI. Yes, sir.

The CHAIRMAN. Did you take any receipt for that?

Mr. NORI. No, sir.

The CHAIRMAN. How did you come to pay it over to him?

Mr. NORI. I believed he was responsible for it, and if he—I was his subordinate—I could not very well—

The CHAIRMAN. How did you come to pay it over to him? Did you just go and say to him, “Here, Mr. Friedman, is \$271 that you can take and use”?

Mr. NORI. He asked me for a statement of this particular fund, as I stated, and I made out the statement showing in detail all these transactions, debit and credit, and he said he wanted—he would like to have it, and that is all there was to it.

The CHAIRMAN. He asked you then for the fund?

Mr. NORI. Yes, sir.

Senator LANE. What is your usual custom of turning this fund over into the Treasury—do you turn it in or does he turn it in?

Mr. NORI. The custom?

Senator LANE. What is the custom or the habit? Do you turn these moneys over to him, funds from "class 1," or do you turn them over to the Government, as a rule?

Mr. NORI. I take them to him first.

The CHAIRMAN. What do the regulations require?

Mr. NORI. They should be turned into the——

The CHAIRMAN. I know, but by whom?

Mr. NORI. By the disbursing officer.

The CHAIRMAN. Who is the disbursing officer?

Mr. NORI. Friedman.

The CHAIRMAN. The regulations require that he shall turn it into the Treasury?

Mr. NORI. Yes, sir.

The CHAIRMAN. Do you know how any part of that approximately \$300 was used by him?

Mr. NORI. Well, I believe the purchase of stamps was one item, the payment of affidavits under exceptions and various sundry articles that may be used for the office or for purposes that he did not want to go through the regular formality of securing authority for, but how much of that I am unable to state.

The CHAIRMAN. Do you know of any sum, in addition to this approximately \$300 to which you have referred, of the same class, that was received by Friedman and used for a personal purpose?

Mr. NORI. I can not say.

The CHAIRMAN. Do you know of a fund of about \$271 that was paid out on the furniture?

Mr. NORI. That is from sale such as old iron, and so forth.

The CHAIRMAN. That is "Class 1" funds, is it not?

Mr. NORI. Yes, sir.

The CHAIRMAN. All right. What became of that \$271, and how was that handled? (After a pause.) Come along with it.

Mr. NORI. That was paid out of that fund to buy some furniture for Superintendent Friedman's house.

The CHAIRMAN. Why did you not tell me that a while ago, when I first asked you? Had you forgotten about it?

(No response.)

The CHAIRMAN. Did you handle that fund?

Mr. NORI. No, sir—Kensler.

The CHAIRMAN. Kensler handled that?

Mr. NORI. Yes, sir.

The CHAIRMAN. Was that ever turned over to you?

Mr. NORI. No, sir.

The CHAIRMAN. Were there other moneys besides those you have described that were received from individual pupils that were paid over to Friedman by you?

Mr. NORI. At the end of every month this matter was always taken up with the superintendent, and, as I say, he designates on there which to hold back and the rest—the tickets were paid for—what was held back was vouchered on the Government.

The CHAIRMAN. How did that happen to be done?

Mr. NORI. What did you say?

The CHAIRMAN. How did that happen to be done, who caused it to be done?

Mr. NORI. The superintendent.

The CHAIRMAN. What was done with those moneys which were vouchered against the Government by you?

Mr. NORI. It was turned over to Mr. Friedman.

Senator LANE. For my information, is not that the regular custom to turn all those moneys over to him, and does he become responsible for them?

Mr. NORI. Yes, sir; he is responsible for them.

Senator LANE. Does this differ from any other transaction?

Mr. NORI. No, sir.

Senator LANE. Are these false vouchers?

Mr. NORI. What did you say?

Senator LANE. Are these false vouchers?

Mr. NORI. Well, if he had an understanding with a pupil that he would interest himself for the school—

Senator LANE. That is against the regulations?

Mr. NORI. Yes. Then, he would voucher his ticket and hold the money.

The CHAIRMAN. You understand the pupil had already paid his money for the ticket and deposited it there?

Mr. NORI. Yes, sir.

The CHAIRMAN. So that that was drawn upon a voucher that was false, if the pupil had already paid his money?

Mr. NORI. Yes.

The CHAIRMAN. You said awhile ago there was a regulation against soliciting pupils for the schools?

Mr. NORI. Yes.

The CHAIRMAN. Was that a printed regulation?

Mr. NORI. I believe it was a printed regulation.

Senator TOWNSEND. Who issued that regulation?

Mr. NORI. The department; I think it is issued from the Commissioner of Indian Affairs' office.

Senator TOWNSEND. That is, they did not want the superintendent to get any more pupils down there at the school?

Mr. NORI. Did not want them to solicit—did not want anybody to go out and solicit—had to devise some other means. There was no solicitation allowed all over the service.

Mr. CARTER. When was that regulation issued, Mr. Nori?

Mr. NORI. It was during 1908 or 1909—I can not recall.

The CHAIRMAN. Do you recall about the total amount of money claimed to have been paid over to Mr. Friedman on false vouchers?

Mr. NORI. Well, I should judge about \$1,500, more or less.

The CHAIRMAN. Do you keep any account of it?

Mr. NORI. No, sir.

The CHAIRMAN. What is the total amount of vouchers and receipts that you destroyed since this investigation began?

Mr. NORI. I destroyed receipts that I had given to Mr. Miller, the banker.

The CHAIRMAN. Where did you get them?

Mr. NORI. I got them from Mr. Miller's office.

The CHAIRMAN. How did you get them?

Mr. NORI. I went in there and just took them.

The CHAIRMAN. What time was it when you got them?

Mr. NORI. One evening about 8 or 9 o'clock.

The CHAIRMAN. Was he there?

Mr. NORI. No, sir.

The CHAIRMAN. He did not know you were getting them?

Mr. NORI. No, sir.

The CHAIRMAN. How many times did you go there and take receipts and vouchers for that purpose?

Mr. NORI. Twice.

The CHAIRMAN. When was the last time?

Mr. NORI. The last time was just before Mr. Linnen arrived on his last trip.

The CHAIRMAN. Now, I want you to tell me as definitely as you can what vouchers and receipts you took the first time from Mr. Miller's office.

Mr. NORI. Well, I took the receipts that I thought would involve the years of 1908, 1909, and 1910.

The CHAIRMAN. Receipts for what?

Mr. NORI. Receipts for tickets that I had given to Mr. Miller.

The CHAIRMAN. Do you mean for the tickets covered by both accounts that you have referred to?

Mr. NORI. Yes, sir.

The CHAIRMAN. They were the false vouchers that you had issued for those years?

Mr. NORI. Yes, sir.

The CHAIRMAN. Why did you take those for those particular years at that time? Just explain that to me.

Mr. NORI. Because it would involve that amount that was turned over to Mr. Friedman.

The CHAIRMAN. At whose instance did you get those vouchers, and what did you do with them?

Mr. NORI. At the instance of Mr. Friedman, and I burned them.

Senator TOWNSEND. What did Mr. Friedman say to you about those vouchers that caused you to go over there and get them?

Mr. NORI. He said, "You should destroy them," or "Destroy the evidence."

Senator TOWNSEND. Where did he tell you that?

Mr. NORI. He told me that in a private conversation.

Senator TOWNSEND. Where?

Mr. NORI. On the walks between his house and the office.

Senator TOWNSEND. That was something more than an intimation; that was a direct order to you to do that, was it not?

Mr. NORI. He said it would involve me, and told me that the evidence had better be destroyed; that is all.

The CHAIRMAN. Will you give, as nearly as you can, the exact language that Friedman used, and what you said to him? Just give the conversation in detail, as near as you can.

Mr. NORI. He said, "Well, Mr. Nori, what have you done about those vouchers that we spoke about?" "Well," I said, "Mr. Friedman, there is really hardly anything worth while doing, because," I said, "the only thing that can happen now is to—is to offset this investigating committee here, but," I said, "it won't change the vouchers that are in the auditor's office." I said, "The only thing, probably, would be to destroy the evidence." He says, "You better destroy the evidence, because," he says, "you are involved in it, and you will be liable for it."

The CHAIRMAN. How long was it after that before you went after them?

Mr. NORI. Well, I guess it was three days after.

The CHAIRMAN. Was that before the joint commission visited Carlisle?

Mr. NORI. No; that was after.

The CHAIRMAN. How long after? Fix the time as definitely as you can.

Mr. NORI. About three days before Mr. Linnen arrived.

The CHAIRMAN. You mean the second time?

Mr. NORI. The last trip.

The CHAIRMAN. Then you got the false vouchers for the three years you have spoken about. What did you get the second time, and how did you happen to go back?

Mr. NORI. Well, I went back and took those from there on, some of them.

The CHAIRMAN. Why did you not get them all the first time? What did you want to make two bites at it for?

Mr. NORI. I was more concerned—Friedman was more concerned about that, as I thought that sum of \$500 or \$600—

The CHAIRMAN. That was what you especially had in mind when you first went down there?

Mr. NORI. Yes, sir.

The CHAIRMAN. How did you come to change your mind, and think that you ought to get them all?

Mr. NORI. Well—

The CHAIRMAN. Did he say anything to you about it after that that caused you to think you had better go back and get some more?

Mr. NORI. He told me, he said, "You are going to be liable for anything that may be found—any irregularities."

The CHAIRMAN. Then, he did know—

Mr. NORI. Yes, sir.

The CHAIRMAN (continuing). That you were going to get those vouchers and receipts and destroy them?

Mr. NORI. Yes, sir.

The CHAIRMAN. Was it after you got the first vouchers and receipts that he told you or made the statement to you which you have just quoted?

Mr. NORI. Yes, sir.

The CHAIRMAN. That you were going to be liable?

Mr. NORI. Yes, sir.

The CHAIRMAN. When did you go back the second time to get the additional vouchers and receipts?

Mr. NORI. It was in the evening about 8 o'clock.

The CHAIRMAN. Can you tell what date it was?

Mr. NORI. I can not say.

The CHAIRMAN. How long was it after that first trip down there to get the vouchers and receipts?

Mr. NORI. About a week between, I guess.

The CHAIRMAN. About a week between?

Mr. NORI. Yes, sir.

The CHAIRMAN. Was Mr. Linnen in Carlisle at that time?

Mr. NORI. I don't recall; he was in and out so much—I am not certain.

The CHAIRMAN. Now, what did you get the second trip you were down there—what vouchers and receipts, please, sir?

Mr. NORI. The second trip?

The CHAIRMAN. Yes.

Mr. NORI. Why, I just explained that I got the 1909—1908, 1909, and 1910 receipts.

The CHAIRMAN. No; if I understood you correctly, you explained that that was what you got the first time. Now, I have asked you what you got the second time.

Mr. NORI. The receipts thereafter.

The CHAIRMAN. Well, what were they, for what years?

Mr. NORI. For 1911 and 1912, I believe.

The CHAIRMAN. What was the character of those receipts—were they for false vouchers, too?

Mr. NORI. Not exactly; they were not for false vouchers, but there might be some of them that might have been vouchered against the Government.

The CHAIRMAN. How many, all told, did you get?

Mr. NORI. Oh, between 12 and 13, I imagine.

The CHAIRMAN. Where did you find them?

Mr. NORI. In Miller's files and office.

The CHAIRMAN. Were they Government records filed there by Miller?

Mr. NORI. Well, I do not know whether you would call them Government records, but I imagine—

The CHAIRMAN. You imagine they were?

Mr. NORI. Yes, sir.

The CHAIRMAN. What was the bulk of the papers that you got the first time—what sized volume was it?

Mr. NORI. They were just tabulated papers, that is, showing the names of the pupils and the amounts they had deposited with Miller and turned over to me.

Senator LANE. I want to ask him a question right there. Did you take a list of the names with you, so you would know which vouchers to take back with you?

Mr. NORI. Did I take the list?

Senator LANE. You knew which ones you were going after, did you?

Mr. NORI. I just imagined that the years would indicate just—

Senator LANE. Did you take all that covered those years?

Mr. NORI. Yes, sir.

Senator LANE. Were you familiar enough with that office to go and pick those out without any trouble?

Mr. NORI. Yes, sir.

Senator LANE. You knew where he kept them?

Mr. NORI. Yes, sir.

Senator LANE. All right.

The CHAIRMAN. There was no one there either time when you got those papers?

Mr. NORI. No, sir.

The CHAIRMAN. You went secretly and you did not want anybody to know it?

Mr. NORI. Yes, sir.

The CHAIRMAN. What did you do with them after you got them? Just tell where you took them and what disposition you made of them.

Mr. NORI. I took them to my house and put them in the stove.

The CHAIRMAN. You did not go over them with anybody?

Mr. NORI. No, sir.

The CHAIRMAN. How many papers, all told, were there that you destroyed in that way?

Mr. NORI. Well, all of those receipts—12 or 13 of them.

The CHAIRMAN. About how many names were there on those receipts, do you know?

Mr. NORI. Well—

The CHAIRMAN. What?

Mr. NORI. It is pretty hard to tell—might be 200 or more or less.

The CHAIRMAN. Were any vouchers drawn among the list of those destroyed that had not been approved by Friedman?

Mr. NORI. Any vouchers drawn?

The CHAIRMAN. That had not been approved by him?

Mr. NORI. Everything is approved by him.

The CHAIRMAN. Yes. Is there a place on the vouchers for his approval in writing?

Mr. NORI. No; he has to sign—

The CHAIRMAN. He has to sign them?

Mr. NORI. Yes, sir.

The CHAIRMAN. All of these vouchers that you destroyed were signed by him?

Mr. NORI. No; these are just receipts between Mr. Miller and myself.

The CHAIRMAN. Receipts between Miller and yourself?

Mr. NORI. Yes, sir.

The CHAIRMAN. What have you to show that you did not get those moneys and keep them?

Mr. NORI. I have nothing to show.

Senator LANE. I want to ask him, right there, a question. Are these receipts in triplicate or duplicate, and one set filed over here?

Mr. NORI. No; it is just the receipts between myself and Miller.

Senator LANE. When you destroyed them all evidence disappeared?

Mr. NORI. No, sir.

Senator LANE. Where is the rest of it?

Mr. NORI. You see these vouchers and things are in the auditor's office here.

Senator LANE. The auditor in Washington?

Mr. NORI. Yes, sir.

Senator LANE. Duplicates of these?

Mr. NORI. One is kept by the Indian Affairs, I imagine, and the other is in the auditor's department.

Senator LANE. These receipts?

Mr. NORI. Yes, sir.

Senator LANE. Then your destroying them there would not destroy the evidence still existing here?

Mr. NORI. No, sir; it is only just to keep them out of the sight of the investigating committee.

Senator LANE. At the school?

Mr. NORI. Yes, sir.

Representative CARTER. Do you mean that you destroyed duplicates or triplicates of the receipts that passed between you and Miller?

Mr. NORI. No, sir; only one.

The CHAIRMAN. If the commission or its agent could not get the receipts to show what boys had paid their transportation, for instance, in advance, it would be very difficult to check it, would it not?

Mr. NORI. Yes, sir.

The CHAIRMAN. They could not check it?

Mr. NORI. Could not check it.

The CHAIRMAN. Do you know anything about the accounts of the superintendent for traveling expenses, and do you know whether there is any duplication in that or not?

Mr. NORI. You mean his personal traveling expenses?

The CHAIRMAN. Yes.

Mr. NORI. Yes, sir.

The CHAIRMAN. How was that handled?

Mr. NORI. Well, if there were expenses that he had incurred for traveling expense that he could not pass through the regular channel of the Government voucher, why, he would utilize the athletic fund; and then, for instance, he might get a mileage book—he would get the mileage book, and then charge the mileage on account, and then the athletic account would be charged for the mileage book, and the Government would be charged for the mileage used.

The CHAIRMAN. Do you know whether that was frequently practiced by him or not?

Mr. NORI. Yes, sir.

The CHAIRMAN. The athletic fund would buy a mileage book, and he would use that, and then when he made his account as superintendent, he would voucher that against the Government?

Mr. NORI. Yes, sir.

The CHAIRMAN. So that it was paid twice in that way?

Mr. NORI. Yes, sir.

The CHAIRMAN. Do you know about his trip to California?

Mr. NORI. Yes, sir.

The CHAIRMAN. How was that handled—the expense of it?

Mr. NORI. I think he got a sum of money from the athletic fund, and it was my impression that he used some of this fund—about \$150.

The CHAIRMAN. Some of which fund, do you mean?

Mr. NORI. That he had in hand.

The CHAIRMAN. Do you know whether he vouchered the Government for it?

Mr. NORI. I think it all came on one voucher.

The CHAIRMAN. Did you know at the time you made those vouchers for Friedman for his traveling expenses that they were false?

Mr. NORI. Yes, sir.

The CHAIRMAN. Did you ever say anything to him about it or call his attention to it?

Mr. NORI. I gave him—I say, I do not think it was proper, but he would say, “Oh, let it go; it will pass”; he says, “The athletic fund is something that has nothing to do with the Government, you know.”

The CHAIRMAN. He said the Government had nothing to do with the athletic fund?

Mr. NORI. Yes, sir.

The CHAIRMAN. Were there many cases where vouchers were presented there, where questions arose as to the right to charge them against the Government, where he insisted on passing them that way?

Mr. NORI. Yes, sir.

The CHAIRMAN. That was frequently done?

Mr. NORI. Frequently.

The CHAIRMAN. What was the class of expenditures covered by those vouchers mostly?

Mr. NORI. For instance, anything he would like to get for his house, such as curtains or rugs, etc., I generally sent down to Kensler the quartermaster, for his O. K., and he would send them back, saying, "I don't know anything about this—can not pass, because don't know anything about it." So I would take it to Friedman and say, "Kensler does not know anything about this; he does not want to pass—does not want to O. K. it" "Well, just leave it here for me for a while. I will think it over." Maybe a week or so, he will say, "Put this on Government voucher, and make it for fitting up employees' quarters," whereas it was fitting up his own house, and if he could not pass it then, it was charged to the athletic fund.

The CHAIRMAN. He first sent it down to Kensler, and Kensler would refuse to O. K. it because he knew it was not properly chargeable against the Government?

Mr. NORI. Yes, sir.

The CHAIRMAN. And then Friedman would hold it awhile?

Mr. NORI. Yes, sir.

The CHAIRMAN. And instruct that it be vouchered against the Government?

Mr. NORI. Yes, sir.

The CHAIRMAN. And charge it to fitting up employees' quarters, and it was known it was for his own quarters?

Mr. NORI. Yes, sir.

The CHAIRMAN. Then, if that would not go, it would be charged against the athletic fund?

Mr. NORI. Yes, sir.

The CHAIRMAN. Do you know anything about that typewriter account?

Mr. NORI. No, sir.

Senator TOWNSEND. Have you ever had any trouble with Miller or Friedman?

Mr. NORI. I do not stand very well with either one of them.

Senator TOWNSEND. Why? What is the trouble?

Mr. NORI. Well, Friedman has endeavored to have me removed since these things—he had an examination by the civil service instigated, I believe; and then he has asked me to secure a transfer if possible. I believe he wanted to get me away, so in case sometime it would come up—and put the whole blame on me for these irregularities.

Senator TOWNSEND. You knew they were irregular all the time, did you?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Why did you not complain about them?

Mr. NORI. Well, I thought I was implicated in it, and I was doing it for my own protection, in a way.

Senator TOWNSEND. Did you get anything out of it?

Mr. NORI. No, sir; not—not directly.

Senator TOWNSEND. Well, indirectly, did you get anything?

Mr. NORI. Yes, sir.

Senator TOWNSEND. What did you get?

Mr. NORI. Used about \$100 to pay for expenses of my wife when she went out West.

Senator TOWNSEND. What else?

Mr. NORI. Purchase of stamps and other material used for office.

Senator TOWNSEND. What else did you get out of it?

Mr. NORI. That is all I can recall.

Senator TOWNSEND. Oh, you know whether you got anything more than that, don't you?

Mr. NORI. Oh, yes.

Senator TOWNSEND. Did you not get anything besides that?

Mr. NORI. No, sir.

Senator TOWNSEND. You did not make any complaint to any inspector when he came around there that Friedman was issuing false vouchers or anything of that kind?

Mr. NORI. No, sir; because I knew that it would come in time.

Senator TOWNSEND. What would come in time?

Mr. NORI. Any irregularities that may be found.

Senator TOWNSEND. You knew you were causing those irregularities, did you not?

Mr. NORI. Yes, sir.

Senator TOWNSEND. And yet he wanted to get rid of you after that?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Did he tell you not to tell on him?

Mr. NORI. No; he did not say that.

Senator TOWNSEND. He knew you would tell on him, did he not, if he turned you off?

Mr. NORI. I believe he would—he knows that.

Senator TOWNSEND. You said at the start that he "intimated" he wanted you to do certain things. Did he ever tell you right out and out to do certain things that were irregular?

Mr. NORI. No—you mean as far as making accounts?

Senator TOWNSEND. Yes.

Mr. NORI. No; he would ask me if I fixed them up—"Are they fixed all right"—yes, sir.

Senator TOWNSEND. What did you understand when he asked if they were fixed all right?

Mr. NORI. Why, fixed the way he would like to have them passed through.

Senator TOWNSEND. He did not tell you, you say, about that—how he wanted them fixed?

Mr. NORI. I do not just know what you have reference to.

Senator TOWNSEND. He never told you how to fix them, did he?

Mr. NORI. Sometimes he did.

Senator TOWNSEND. What did he tell you? What did he say to you about fixing them?

Mr. NORI. Well, he would say, "Fix them so they will pass, according to regulations. Change the—change the bills, or change the form to come within the prescribed way."

Senator TOWNSEND. Did you make any such changes?

Mr. NORI. Yes, sir.

Senator TOWNSEND. You have not told us about that. What did you change?

Mr. NORI. Well, lots of things—I can not just recall.

Senator TOWNSEND. Tell me about some things that you changed to make it correspond to the regulations.

Mr. NORI. Well, if there were 250 pounds of lead bought and we had only authority for 200, why, that voucher was changed to read 200 and maybe another item placed there, too.

Senator TOWNSEND. Another item placed to—

Mr. NORI. Yes; to make up the amount.

Senator TOWNSEND. What item would you substitute, for instance?

Mr. NORI. Something of a similar character.

The CHAIRMAN. Excuse me. You mean that an item that was not purchased would be charged up to make up for that?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Do you keep any stock account up there?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Who does that?

Mr. NORI. Mr. Kensler.

Senator LANE. Mr. Kensler here?

Senator TOWNSEND. Does not your account have to correspond with his—do you not check up against each other?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Have you done that?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Has he fixed his books to correspond with yours, too?

Mr. NORI. Well, he has a book of his own there.

Senator TOWNSEND. Well, has he fixed it? Do you know whether he has or not?

Mr. NORI. I do not know.

Senator TOWNSEND. He would have to do it in order to make your accounts come out all right, would he not?

Mr. NORI. I reckon so.

Senator TOWNSEND. He would have to be a party to this corruption down there, whatever it was, just as you would?

Mr. NORI. Yes, sir.

Senator TOWNSEND. How long has that been going on?

Mr. NORI. Ever since he [Friedman] has been there.

Senator TOWNSEND. Since 1907?

Mr. NORI. 1908.

Senator TOWNSEND. Things have been going along in this way that you have described all the time since then?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Do you actually know whether this man Friedman has had any money and expended it for his own use that he was not entitled to use?

Mr. NORI. No; I do not know personally, but from—he is very adverse to paying any bills of his own. That I know—he will not pay for anything if he can help it.

Senator TOWNSEND. What bills, for instance, do you refer to now?

Mr. NORI. Bills that may be in a nature convertible to the Government.

Senator TOWNSEND. Do you know whether he has purchased anything and charged it up to the Government for his own individual use?

Mr. NORI. Well, he has purchased furniture.

Senator TOWNSEND. You know that?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Do you have to make an entry of that?

Mr. NORI. If it comes within my jurisdiction.

Senator TOWNSEND. Well, did it come within your jurisdiction?

Mr. NORI. It did not.

Senator TOWNSEND. How?

Mr. NORI. It did not in one instance.

Senator TOWNSEND. In any instance, now, did any item of that kind come within your jurisdiction of which you made the entry?

Mr. NORI. Yes, sir.

Senator TOWNSEND. And you knew it was false at the time you made it?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Has Friedman ever called your attention to the fact that you were making false entries?

Mr. NORI. No, sir.

Senator TOWNSEND. Did he tell you when he wanted your resignation that it was because you were——

Senator LANE. Let me ask him a question there. Did you ever call attention to the fact that you were making false entries?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Did he say to you that that was one of the reasons he wanted you to leave, because you had not been doing things right?

Mr. NORI. No, sir.

Senator TOWNSEND. This money you mention here, \$500 or \$600, is the money that has been paid in by the students for transportation purposes. Was it your business to turn this money over to Friedman?

Mr. NORI. Yes, sir.

Senator TOWNSEND. That was a proper regulation to do that, was it?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Who kept track of it after it went into his hands?

Mr. NORI. If tickets are to be paid, I paid the tickets.

Senator TOWNSEND. Is there any account kept of that on your books after the money goes into his hands?

Mr. NORI. No, sir.

Senator TOWNSEND. How do you know that he has expended any of that money improperly, then?

Mr. NORI. I do not know. That is up to him. I could not say how he used it.

Senator TOWNSEND. These receipts that you went over there to get from Mr. Miller—went into his office when Miller was away—did Friedman tell you to go there and get these receipts?

Mr. NORI. Yes, sir; intimidated.

Senator TOWNSEND. There was nobody interested in those receipts except you and Miller, was there?

Mr. NORI. I and Miller?

Senator TOWNSEND. Yes; you and Miller. You had given Miller the money and Miller had given you the receipts?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Nobody else's name was on those receipts?

Mr. NORI. No, sir.

Senator TOWNSEND. Nobody else was connected with it in any way?

Mr. NORI. No, sir.

Senator TOWNSEND. Why was Friedman interested in destroying that?

Mr. NORI. Well, I suppose—I imagined it was for that lump sum of \$500 or \$600.

Senator TOWNSEND. But that had passed into your hands?

Mr. NORI. Yes; but that was handed over to him.

Senator TOWNSEND. Did you get any receipt from Friedman when you handed it to him?

Mr. NORI. No, sir; he wanted the statement, and I just gave him the statement and the money.

Senator TOWNSEND. Did you not ever take a receipt from Friedman when you turned money over to him?

Mr. NORI. No, sir.

Senator TOWNSEND. How were you going to protect yourself if you were receiving large sums of money down there and took no receipt for it from anybody?

Mr. NORI. I went only on the supposition that he was my superior, and I could not ask him.

Senator TOWNSEND. Did you give a bond?

Mr. NORI. No, sir.

Senator TOWNSEND. Miller insisted on taking your receipt, did he not?

Mr. NORI. No, sir.

Senator TOWNSEND. When he paid you money, did you not receipt to Miller?

Mr. NORI. Sometimes.

Senator TOWNSEND. Those are the receipts you went over there to get to destroy?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Do you mean to say that Miller ever received any money from you or ever paid any money to you that he did not take any receipt for?

Mr. NORI. Yes, sir.

Senator TOWNSEND. What money?

Mr. NORI. This particular money—individual Indian money for transportation.

Senator TOWNSEND. That was first paid to Miller?

Mr. NORI. Yes, sir.

Senator TOWNSEND. And then turned over to you without any receipt?

Mr. NORI. Sometimes.

Senator TOWNSEND. And you turned it over to Friedman without any receipt?

Mr. NORI. Yes, sir.

Senator TOWNSEND. How was it possible to check up what money you received at that institution?

Mr. NORI. Well, I do not know—pretty hard, I guess. If a man would not take my receipt, he must have a record of his own.

Senator TOWNSEND. Did you try to destroy anything but receipts?

Mr. NORI. Nothing but receipts.

Senator TOWNSEND. You did not try to find his book record or anything of that kind and destroy that?

Mr. NORI. No, sir.

Senator TOWNSEND. And Friedman told you to do that?

Mr. NORI. Yes, sir.

Senator TOWNSEND. How long ago was it that he told you to do that?

Mr. NORI. Well, it was about three or four days before Mr. Linnen was there.

Senator TOWNSEND. What did you mean when you started out by saying that he "intimated," when you now say that he told you to do certain things?

Mr. NORI. He had previously spoken about it—every now and then intimated.

Senator TOWNSEND. For some time had that been going on?

Mr. NORI. Yes, sir.

Senator TOWNSEND. He was worried about things, down there?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Were you worried at any time?

Mr. NORI. Certainly. He was so worried that he had me arrested, because he knew—

Senator TOWNSEND. What did he have you arrested for?

Mr. NORI. Well, I guess he thought maybe I had not destroyed those papers—he thought I might have them in my house; and he found out I had given testimony, and then he had me arrested for taking papers.

Senator TOWNSEND. What papers?

Mr. NORI. These specific papers we are talking about.

Senator TOWNSEND. When did he have you arrested?

Mr. NORI. The day after I gave my testimony.

Senator TOWNSEND. To whom?

Mr. NORI. To Mr. Linnen—had me arrested and placed in jail, and then had a search warrant issued to search my house for those papers.

Senator TOWNSEND. He thought you had not destroyed them, maybe?

Mr. NORI. Yes, sir. He took a whole lot of my personal papers. I presume he will use that; I do not know.

Senator TOWNSEND. What do you think he can use against you?

Mr. NORI. It is hard to tell; he is liable to use anything.

Senator TOWNSEND. Have you something there that you would not like to have used against you?

Mr. NORI. Nothing at all; he can use whatever he wants.

The CHAIRMAN. Did he know when he had you arrested that you had already destroyed these papers?

Mr. NORI. I do not think he did, because he would not have had me arrested and tried to get those papers.

Senator TOWNSEND. If he asked you to destroy those papers, what do you suppose he wanted you arrested for in order to get them?

Mr. NORI. He thought maybe I did not destroy them.

Senator LANE. That would be bringing the evidence to the light, would it not?

Mr. NORI. Yes.

Senator TOWNSEND. He wanted those papers to convict himself with, did he?

Mr. NORI. I do not know.

Senator TOWNSEND. You say he wanted them destroyed because they were damaging to him. Now, he arrested you and had a search warrant issued for the purpose of finding those papers?

The CHAIRMAN. That was not, Senator Townsend, until after he had already given his testimony to Linnen.

Senator TOWNSEND. I recognize that.

The CHAIRMAN. That is argumentative, of course.

Senator TOWNSEND. Yes; that is argumentative, but what occurs to me is that he must not have known you were going to get the papers and destroy them?

Mr. NORI. He knew it all right.

The CHAIRMAN. He had you arrested before a justice of the peace, did he not?

Mr. NORI. Yes, sir.

The CHAIRMAN. He did not call it to the attention of the bureau or the Department of Justice; he did not call you into Federal court, but had you arrested before a justice of the peace in Carlisle?

Mr. NORI. Yes, sir.

The CHAIRMAN. Had you already told him that you had destroyed these papers?

Mr. NORI. Yes, sir.

Senator LANE. He must have filed a charge against him in order to have had him arrested. Has this case been settled in court?

Mr. NORI. I have a hearing to-morrow at 10 o'clock.

Senator LANE. Are you out under bond?

Mr. NORI. Yes, sir.

Senator LANE. How much?

Mr. NORI. \$1,000.

Senator LANE. What is the charge?

Mr. NORI. I can not remember. I think for abstracting papers and embezzlement.

The CHAIRMAN. Mr. Nori, have the traveling expenses of pupils who had already paid transportation been vouchered against the Government and the money drawn from the Treasury when the money had already been paid by the pupil?

Mr. NORI. Yes, sir.

The CHAIRMAN. It had been paid by the pupil himself?

Mr. NORI. Yes, sir.

The CHAIRMAN. As to the traveling expenses of Mr. Friedman himself, that you have referred to, that was vouchered against the Government in his accounts, as superintendent, when, as a matter of fact, he had traveled on mileage paid for out of the athletic fund?

Mr. NORI. Yes, sir.

The CHAIRMAN. When you prepared these vouchers, did you know they were false?

Mr. NORI. Yes, sir.

The CHAIRMAN. At whose direction did you prepare them?

Mr. NORI. At the direction of Supt. Friedman.

Senator LANE. Senator Robinson, right in there I want to ask him this: You knew that he had been making false vouchers, putting in double charges for his traveling expenses?

Mr. NORI. Yes, sir.

Senator LANE. How long have you known that?

Mr. NORI. Well, ever since 1908, along there.

Senator LANE. This commission was over there about six or eight weeks ago, and you were a witness before the commission?

Mr. NORI. No, sir.

Senator LANE. You were not called?

Mr. NORI. No, sir.

The CHAIRMAN. No; he was not.

Senator LANE. All right.

The CHAIRMAN. I believe that is all, unless there are further questions by members of the commission.

Representative STEPHENS. Who was the first one that you told that you had destroyed these vouchers that you had got from Miller's office?

Mr. NORI. I told Friedman.

Representative STEPHENS. Was that the time you went for the second lot of vouchers?

Mr. NORI. That was the last time.

Representative STEPHENS. You did not tell him that you had gone there first and got some of them and destroyed them?

Mr. NORI. I did not tell him until I finally destroyed them.

Representative STEPHENS. Until you finally destroyed them?

Mr. NORI. Yes.

Representative STEPHENS. Then when was it that you went back after the second lot of vouchers, and why did you go back after the second lot?

Mr. NORI. I went back because I thought—he had said I would be responsible for them, and I went back again in the evening.

Representative STEPHENS. Who told you that you would be responsible?

Mr. NORI. Dr. Friedman.

Representative STEPHENS. Did he know at the time when he told you that you would be responsible that you had already got some of them and burned them?

Mr. NORI. No; I had not destroyed them then.

Representative STEPHENS. You had not destroyed them, but still had them in your possession?

Mr. NORI. Yes, sir.

Representative STEPHENS. Did you tell him that you had them?

Mr. NORI. Yes, sir.

Representative STEPHENS. That you had gone to the office and got them?

Mr. NORI. Yes, sir.

Representative STEPHENS. But that you had not got the last lot of vouchers?

Mr. NORI. Receipts.

Representative STEPHENS. Receipts?

Mr. NORI. Yes, sir.

Representative STEPHENS. And those are the ones that he wanted you to go back after?

Mr. NORI. He wanted me to go for those receipts, I believe, of 1908, 1909, and 1910.

Representative STEPHENS. Did you do it?

Mr. NORI. Yes, sir.

Representative STEPHENS. Then when you came back with these, what did you do with them? Did you burn them?

Mr. NORI. I burned all of them; yes, sir.

Representative STEPHENS. Those and the first ones you brought also, at the same time?

Mr. NORI. Yes, sir.

Representative STEPHENS. Then when did you tell him that you had burned them?

Mr. NORI. I think it was the next day after I burned them.

Representative STEPHENS. What did he say about it?

Mr. NORI. He did not say anything. He said, "All right." That was all.

Senator TOWNSEND. Will you let me ask a question right there?

Representative STEPHENS. Certainly.

Senator TOWNSEND. These receipts you destroyed were receipts for money that you paid to Miller?

Mr. NORI. No; they were receipts that I had given to Miller.

Senator TOWNSEND. For money that Miller had paid to you?

Mr. NORI. Yes, sir.

Representative STEPHENS. You got no receipt from Friedman for this \$500?

Mr. NORI. No, sir; I just turned it over to him.

Representative STEPHENS. What entry did you make on your books with reference to that?

Mr. NORI. I did not make no entry, because we did not keep no special book for it.

Representative STEPHENS. You did not keep any special book?

Mr. NORI. We just kept it in an envelope, with a statement.

Representative STEPHENS. You turned over the statement, envelope, and money and all to him?

Mr. NORI. Yes, sir.

Representative STEPHENS. In the presence of anyone?

Mr. NORI. No, sir; everything was done between him and I personally.

Representative STEPHENS. And no one else except you and Mr. Friedman knew of that transaction?

Mr. NORI. No, sir.

Representative STEPHENS. Why did Friedman want you to leave the school? You said that he wanted you to resign, transfer, or something.

Mr. NORI. I believe it was just on that—he might want—

Senator LANE. I want to ask you a question.

Representative STEPHENS. You do not know, then?

Mr. NORI. No, sir.

Senator LANE. Did Mr. Miller discover the absence of those papers or how did the thing happen to get out?

Mr. NORI. Why, I believe the inspector discovered that.

Representative STEPHENS. You spoke about Friedman when he first spoke to you about fixing up the accounts and said he had

received a letter of instructions from Abbott. Did you see that letter?

Mr. NORI. No, sir.

Representative STEPHENS. How did you know about that? Why do you say that there was a letter?

Mr. NORI. Because I heard his name in connection with it.

Representative STEPHENS. In connection with what?

Mr. NORI. To the effect that he had——

Representative STEPHENS. How?

Mr. NORI. He had a letter—to the effect that he had received a letter from Mr. Abbott.

Representative STEPHENS. Who was Mr. Friedman telling that?

Mr. NORI. I do not recall. I believe it was just in a conversation I overheard.

Representative STEPHENS. Oh, you overheard it?

Mr. NORI. Yes.

Representative STEPHENS. Who was he talking to?

Mr. NORI. I believe he was talking to Warner, the athletic man.

Representative STEPHENS. Who?

Mr. NORI. I believe he was talking to Warner, the athletic man; I think so; I am not certain.

Representative STEPHENS. Where were you and where was Warner and Friedman when you overheard that?

Mr. NORI. They were in their office, when I was in my own office adjoining.

Representative STEPHENS. Was there a door open between you?

Mr. NORI. Yes.

Representative STEPHENS. State that conversation, as near as you can.

Mr. NORI. Well, they were talking about what was best to do—I think, about the matter, and if I can recall, I heard him say something about a letter from Abbott, advising or telling him—I could not say the word—and then I heard the words “athletic account” and “fixing up”—that word I heard—those are the words that I heard.

Representative STEPHENS. Was that before or after he had given you instructions to fix up your account—Friedman had given you instructions?

Mr. NORI. That was before.

Representative STEPHENS. How long after that did he give you those instructions about your books?

Mr. NORI. He spoke to me, I guess, about two or three days afterwards, then. That is when it started.

Representative STEPHENS. That started the whole matter of fixing the books?

Mr. NORI. Yes, sir.

Representative STEPHENS. How many conversations did you overhear about that, about this investigation and about Abbott requiring it?

Mr. NORI. That is only the one time.

Representative CARTER. Mr. Nori, were there vouchers destroyed besides the receipts that passed between you and Miller?

Mr. NORI. Vouchers? No, sir.

Representative CARTER. No other vouchers were destroyed except the receipts?

Mr. NORI. Except receipts.

Representative CARTER. That passed between you and Miller?

Mr. NORI. No, sir.

Representative CARTER. There were no vouchers destroyed that had Friedman's name to them?

Mr. NORI. No vouchers that had his first name were destroyed—none whatever; just the receipts.

Representative CARTER. First you had destroyed the receipts from 1908 to 1910?

Mr. NORI. Yes, sir.

Representative CARTER. On your first trip, you secured those?

Mr. NORI. Yes, sir.

Representative CARTER. Then, on the second trip you secured those running after 1910?

Mr. NORI. Yes, sir.

Representative CARTER. When did Mr. Friedman come to Carlisle?

Mr. NORI. April, 1908.

Representative CARTER. Can you tell us just about the time that you heard of this letter Abbott had written—about the date?

Mr. NORI. I did not see the letter, Mr. Carter.

Representative CARTER. I want to know about the time you overheard a conversation about a letter coming from Abbott to Friedman.

Mr. NORI. The letter from the office came first, and they were talking about it—discussing it, and I think the letter came subsequently, though just how long after, I do not know.

Representative CARTER. What letter was it came from the office?

Mr. NORI. Relative to the athletic fund.

Representative CARTER. From what office?

Mr. NORI. From the Indian Affairs.

Representative CARTER. From the Commissioner of Indian Affairs?

Mr. NORI. Yes.

Representative CARTER. What was the contents of that letter?

Mr. NORI. I could not just exactly say, because Mr. Friedman kept that, and I believe gave it to Warner for an answer, and I believe I only saw it one time, but I did not read it.

Representative CARTER. But it was asking for an accounting of the athletic funds?

Mr. NORI. Yes, sir.

Representative CARTER. Do you know the date of that letter?

Mr. NORI. No, sir.

Representative CARTER. Do you know anything about the date or about the time?

Mr. NORI. No, sir.

Representative CARTER. Was it in February?

Mr. NORI. I could not say.

Representative CARTER. Was it before Christmas?

Mr. NORI. I am not positive—I can not—I know the circumstances.

Representative CARTER. How long after that letter came before you heard Abbott's letter mentioned?

Mr. NORI. Oh, a week or three or four days, maybe.

Representative CARTER. That was before Linnen came to Carlisle, when you first heard it?

Mr. NORI. Yes, sir; quite awhile.

Representative CARTER. State specifically, as you never have, Mr. Nori, what it was that was said about Abbott's letter and who said it—was it Warner or Mr. Friedman who spoke of it?

Mr. NORI. Mr. Friedman, I believe, was talking.

Representative CARTER. What did he say about the letter?

Mr. NORI. As I say, it is just a mere chance remark that I heard; that is all, his name was mentioned.

Representative CARTER. I know you said that. I want to know what he said. You ought to know what the remark was, if you heard it, Mr. Nori.

Mr. NORI. You see, I was not close enough to hear it.

Representative CARTER. How did you know that the Abbott letter was relative to—

Mr. NORI. What is that?

Representative CARTER. How did you know that the Abbott letter was relative to the athletic account, then?

Mr. NORI. I heard him say—he said—what I could hear—just slightly that it was a letter directing him to look into his athletic account.

Representative CARTER. Was that while Abbott was Assistant Commissioner of Indian Affairs or since?

Mr. NORI. I believe it was after he left. I do not know when he left, but—

Representative CARTER. Do you know about what date you destroyed these papers?

Mr. NORI. No, sir; I can only go by the time. Mr. Linnen has been either three or four days—the first one, and then—

Representative CARTER. When was the first time Friedman spoke to you about destroying these papers?

Mr. NORI. It was soon after the letter from the office regarding the athletic account.

Representative CARTER. Before Linnen came there?

Mr. NORI. Yes, sir.

Representative CARTER. What did he say? Just see if you can not tax your mind and tell us what he said, Mr. Nori.

Mr. NORI. He said, "About the accounts, Nori"—as near as I can recall. "Well," I said, "of course, you know how they are." I said, "They are not altogether right in a whole lot of instances." "Well, had you not better look into it and try to fix them up as far as possible." That, maybe, would be the end of the conversation, and maybe a day or two again the subject would be brought up, just casually, and he would say, "Well, how about those accounts? Have you done anything?" I says, "We can not do anything, because they are all in the auditor's office," and that is all that I could tell him.

Representative CARTER. These receipts that passed between Miller and you were not in the auditor's office, were they?

Mr. NORI. No, sir.

Representative CARTER. Those are the only things you say you destroyed?

Mr. NORI. That is all.

Representative CARTER. Then, why did you tell him that nothing could be done; that they were all in the auditor's office?

Mr. NORI. There was not anything that he could do with his official accounts.

Representative CARTER. What did you understand him to mean, Nori? Did you understand him to mean that he wanted you to destroy vouchers, or that he wanted you to make false entries? What did you understand by "fixing." Did he not make any explanation at all?

Mr. NORI. He just told me, from what I can recollect, he wanted me to destroy any evidence.

Representative CARTER. Did he tell you that he wanted you to destroy "any evidence?"

Mr. NORI. Sir?

Representative CARTER. Did he tell you that he wanted you to destroy any evidence?

Mr. NORI. No, sir; he just told me he wanted me to destroy any papers that would complicate—I mean that would involve these things.

Representative CARTER. He told you to destroy any papers that would involve you or him?

Mr. NORI. Yes, sir.

Representative CARTER. Which one of you—involve you or involve him—which one did he say?

Mr. NORI. I suppose him. He said I would be liable as well as him.

Representative CARTER. Oh, he did? He said it would involve both of you?

Mr. NORI. Yes, sir.

Representative CARTER. How many times did he tell you that, Nori?

Mr. NORI. Well, two or three times, I think.

Representative CARTER. How many times did he tell you before went to get the papers?

Mr. NORI. He did not tell me but once—except—about once, I guess; and after that—

Representative CARTER. You went and got the papers as soon as he told you?

Mr. NORI. Not exactly.

Representative CARTER. Did you not tell me that he told you away back there when Abbott wrote this letter that you had better do something about it?

Mr. NORI. Oh, yes, he told me—he intimated lots of times, but then he did not tell me directly.

Representative CARTER. When was the first time he told you directly to get the papers and to destroy them?

Mr. NORI. It was after Linnen had been there.

Representative CARTER. Did you get the papers before he told you to do it, directly?

Mr. NORI. No, sir.

Representative CARTER. You did not get them until he had instructed you to get them and destroy them?

Mr. NORI. No, sir.

Representative CARTER. When did Friedman first have a conversation with you about making these false entries in the book, and about carrying this matter along, as you did carry it?

Mr. NORI. I guess it was the first year that he came, pretty nearly.

Representative CARTER. How long after he came there was it, Nori?

Mr. NORI. About six months, or so.

Representative CARTER. What did he say?

Mr. NORI. He said—he would say “tickets for pupils.” Now, he had an understanding with them, if they would interest themselves with the schools—“I have an understanding with them. We will pay their money and charge their tickets to the Government and hold them until they return with whatever expense, or if they have interested themselves.”

Representative CARTER. Interest themselves in getting scholars to come to school?

Mr. NORI. Yes, sir.

Representative CARTER. And what did he tell you and what kind of an entry did he tell you to make about it? What did he tell you to do about it?

Mr. NORI. We just merely—we just merely kept the money in an envelope, and whenever the boys—

Representative CARTER. I am not asking you what you did. I am asking you what he told you to do. How did he tell you to handle it?

Mr. NORI. I would present these bills to him and show him how they were marked, and then he would say, “Now, this boy will be”—he would have an understanding with him to interest himself for the school—“charge his ticket—let the Government pay it.”

Representative CARTER. What was that ticket for—for the boy’s return home?

Mr. NORI. Yes, sir.

The CHAIRMAN. You already had the money from the boy yourself to pay it?

Mr. NORI. Yes, sir.

Representative CARTER. Did you begin handling this thing this way just as soon as he told you to?

Mr. NORI. Yes, sir.

Representative CARTER. How long had you been in the service then?

Mr. NORI. I went there in 1900.

Representative CARTER. You had been there eight years?

Mr. NORI. Yes, sir.

Representative CARTER. Had it ever been handled that way before, prior to the time Mr. Friedman came there?

Mr. NORI. I have no knowledge of it.

Representative CARTER. Were you acting then in the capacity of chief clerk, as you are now?

Mr. NORI. Yes, sir.

Representative CARTER. How long had you been acting in that capacity?

Mr. NORI. One year before.

Representative CARTER. Had any such thing occurred prior to that time?

Mr. NORI. There was some cases like that, but that was settled by Mercer.

Representative CARTER. Just the same as Friedman did?

Mr. NORI. Yes, sir.

Representative CARTER. Did you find them settling them that way as chief clerk?

Mr. NORI. Yes, sir.

Representative CARTER. Did it not occur to you that it was wrong?

Mr. NORI. It was customary, I guess; that is all I know.

Representative CARTER. What degree of Indian blood have you, Nori?

Mr. NORI. Full-blood.

Representative CARTER. Your mother and father were both full-bloods?

Mr. NORI. Yes, sir.

Representative CARTER. Could you speak English when you first went to the school?

Mr. NORI. No, sir.

Representative CARTER. Where were you educated?

Mr. NORI. At Carlisle Indian School, and Dickinson for a little while.

Representative CARTER. Your whole experience has been at Carlisle, has it?

Mr. NORI. Yes, sir.

Representative CARTER. And you know nothing of white men's ways and white men's business except what you learned at Carlisle?

Mr. NORI. That is all.

Representative CARTER. As chief clerk, did you consider it your duty to do whatever your superiors asked you to do?

Mr. NORI. Yes, sir; I was there to follow instructions.

Representative CARTER. Would you consider it your duty to follow instructions whether you were violating the law or not?

Mr. NORI. Well, I—I tried to work against what I thought it was, but I did not think—if my superior officer would pass them—

Representative CARTER. Why did you not complain about these things before now, Nori? Just tell us. You have a reason, why did you not? Just tell the committee frankly why it was.

Mr. NORI. I would be blamed for it; that is all I know. I did not want to complain, because I would be blamed for irregularity, because I believed that Friedman would throw the responsibility on me in every way, shape, and form.

Representative CARTER. What did you consider would have happened if you had made a complaint? What did you think would be the result? Did you ever study about that?

Mr. NORI. Why, I suppose I would suffer the penalty of, whatever it was.

The CHAIRMAN. Miller was a bonded officer, was he?

Mr. NORI. Yes, sir.

The CHAIRMAN. And Friedman was the disbursing officer?

Mr. NORI. Yes, sir.

The CHAIRMAN. And they were chargeable with the correct keeping and paying out of those funds?

Mr. NORI. Yes, sir.

The CHAIRMAN. I want to find out, now, just what happened when you first told some one besides Friedman about having destroyed those receipts. Do you know whether or not Linnen went to Mr.

Miller's office and got the remaining files there of receipts or not, and did he show them to you and show you where receipts had been torn from the files?

Mr. NORI. Yes, sir.

The CHAIRMAN. And did he confront you with them and accuse you of having done it?

Mr. NORI. Yes, sir.

The CHAIRMAN. And you then admitted it?

Mr. NORI. Yes, sir.

The CHAIRMAN. Do you know whether or not you got all those receipts that related to cases of individual Indian pupils who had paid their transportation, and in which cases it was still vouchered against the Government? Do you know whether you got them all or not?

Mr. NORI. I only got what I could; that is all.

The CHAIRMAN. As a matter of fact, you lacked about \$909.59 of getting all the receipts, as appears from the records still on file in Miller's office, of cases where individual Indian pupils had paid their own transportation in advance, and in which vouchers were made against the Government for their transportation?

Mr. NORI. Yes, sir.

The CHAIRMAN. Take as an illustration the case of Lafe Allison. Does the Government pay the transportation home of a pupil who has deserted or leaves the school and runs away?

Mr. NORI. Hardly possible.

The CHAIRMAN. That is never done, is it?

Mr. NORI. There might be sometimes, but I can not—I do not think generally.

The CHAIRMAN. Do you remember the case of Lafe Allison?

Mr. NORI. No, I do not think I do.

The CHAIRMAN. Do you know of any cases where pupils had, as a matter of fact, deserted and run away and their transportation was vouchered against the Government, when, as a matter of fact, it was not used by the pupil?

Mr. NORI. Yes; there have been cases like that.

The CHAIRMAN. There have been cases like that?

Mr. NORI. Yes, sir.

The CHAIRMAN. Can you recall from memory now any of those cases?

Mr. NORI. No; because there are so many of them.

The CHAIRMAN. A large number of them?

Mr. NORI. Yes, sir.

The CHAIRMAN. Do you know whether Lafe Allison was one of those pupils or not?

Mr. NORI. He was one of the chronic ones.

The CHAIRMAN. What?

Mr. NORI. Chronic ones—might have taken his name as one.

The CHAIRMAN. What do you mean by "chronic"? I do not understand just how you use that word.

Mr. NORI. If he had been in the habit of running away, his name would be used even if he did not run away.

The CHAIRMAN. There was a habit there, then, of vouchering for the transportation of pupils who had run away?

Mr. NORI. Yes, sir.

The CHAIRMAN. Did he voucher for a pupil who had run away more than once?

Mr. NORI. Sometimes. He may run three or four times.

The CHAIRMAN. What I want to know is, in a case of a pupil who is in the habit of running away, if the administration there has the habit of vouchering this transportation and making the Government pay it?

Mr. NORI. Yes, sir.

Senator LANE. And would they charge him with running away when he had not been guilty of it?

Mr. NORI. Would he charge?

Senator LANE. Would they accuse him of running away more times than he really did and draw vouchers when he did not?

Mr. NORI. No.

The CHAIRMAN. They would not charge him with running away, in that connection?

Representative CARTER. They would not charge him with running away when he did run?

The CHAIRMAN. Charge him with going home and paying his expenses out of the Government fund.

How old are you, Nori?

Mr. NORI. Thirty-eight years old.

The CHAIRMAN. You knew that the joint commission was investigating those funds?

Mr. NORI. Yes, sir.

The CHAIRMAN. You knew that Mr. Linnen was sent there for that purpose?

Mr. NORI. Yes, sir.

The CHAIRMAN. You knew if he got hold of these records that they would enable him to check up these false accounts?

Mr. NORI. Yes, sir.

The CHAIRMAN. If I understand you correctly, it was your idea and purpose to destroy the evidence that would implicate you and the superintendent in making these false accounts, and thus prevent the matter being correctly checked up?

Mr. NORI. Yes, sir.

Senator TOWNSEND. Has Mr. Friedman ever complained to you that you had kept the money instead of turning it over to him?

Mr. NORI. No; I do not think he did, but I think it was his intention if ever anything should come of this character.

Senator TOWNSEND. You are sure you did not keep any of that money?

Mr. NORI. Only as I stated.

Senator LANE. He said he kept some.

Senator TOWNSEND. Yes.

The CHAIRMAN. You were not arrested until after you had made your statement to Mr. Linnen and you were arrested the day following?

Mr. NORI. Yes, sir.

The CHAIRMAN. Before a justice of the peace in Carlisle?

Mr. NORI. Yes, sir.

The CHAIRMAN. Did Mr. Friedman know that you had made a statement to Mr. Linnen?

Mr. NORI. I do not know. I suppose he thought I did. I suppose he would know I would tell what I know about it.

The CHAIRMAN. Do you know whether or not Mr. Friedman, when he had you arrested, knew that you had been in conference with Linnen or had made a statement to him?

Mr. NORI. I suppose he did.

The CHAIRMAN. Where did you make your statement to Linnen?

Mr. NORI. In the office of Mr. Lipps.

The CHAIRMAN. In the office of the superintendent there at the school?

Mr. NORI. Yes, sir.

Representative STEPHENS. You say you got \$100 from some of these funds to send your wife west? What funds was the \$100 taken from?

Mr. NORI. From this transportation of pupils.

Representative STEPHENS. Then you sent your wife the same way as had been customary to send the pupils?

Mr. NORI. Yes; to interest any prospective students. She went to Seattle and then went to a school in Oregon—I have forgotten—Salem, and from Salem down to Riverside.

Representative STEPHENS. What was she doing at all these places—influencing pupils to come to Carlisle?

Mr. NORI. She went home. Her father wanted her home, and he paid her way, and then her uncle lives in New Mexico, and she went down as far as San Francisco with him.

Representative STEPHENS. Then, how did you get this \$100? Her father paid her way, and then you got the \$100 out of the Treasury besides?

Mr. NORI. Yes, sir.

Representative STEPHENS. You kept the money?

Mr. NORI. Yes, sir.

Representative STEPHENS. That is the same thing as many others have done when they sent persons out for the purpose of enlisting pupils—they were trying to avoid the law, were they not?

Mr. NORI. Yes, sir.

Representative STEPHENS. The rules and regulations?

Mr. NORI. Yes, sir.

Representative STEPHENS. I am anxious to know how that is done. How do they cheat the law by getting pupils to Carlisle, solicit them?

Mr. NORI. When the regulations came out that they should not solicit, this, of course, was one form to interest pupils, but there was no direct authority given to anybody. They only asked the people out in the field to do as much soliciting as possible, without going over the regulations.

Representative STEPHENS. Was any amount of money paid to those people who sent students?

Mr. NORI. I can not say; there may have been out of the athletic fund; I could not say as to that.

Representative STEPHENS. Who had charge of the athletic fund?

Mr. NORI. Mr. Miller, the gentleman who has charge of the individual Indian accounts.

The CHAIRMAN. Who was present when you made your statement to Inspector Linnen?

Mr. NORI. Miss Herrman, the clerk, took down the testimony.

The CHAIRMAN. Was she a stenographer?

Mr. NORI. Yes, sir.

The CHAIRMAN. In whose employ had she been previously—whose employ was she in?

Mr. NORI. She was in my office.

The CHAIRMAN. In whose employ?

Mr. NORI. In the United States Government.

The CHAIRMAN. Under Friedman?

Mr. NORI. Yes, sir.

The CHAIRMAN. She had been his stenographer?

Mr. NORI. Well, she takes dictation from him.

Representative CARTER. Was this \$100 given to you on account of your wife's visit to the West?

Mr. NORI. What did you say?

Representative CARTER. Was this \$100 you took out of the fund, was that taken out of the fund for your wife's visit to the West?

Mr. NORI. Yes, sir.

Representative CARTER. To pay her expenses?

Mr. NORI. No, sir; such as may be required to interest pupils.

Representative CARTER. She went to the West to interest pupils to come to Carlisle; was that the purpose of her mission?

Mr. NORI. As others were.

Representative CARTER. What authority did you have for taking that \$100. Who told you to take it—that you might take it out of the fund?

Mr. NORI. I did not have no specific authority.

Representative CARTER. Did anybody tell you that you might take it out of the fund?

Mr. NORI. No, sir.

Representative CARTER. Did you tell anybody that you had taken it?

Mr. NORI. It was in the statement I gave to Friedman.

Representative CARTER. Friedman did not authorize you to take that out for your wife?

Mr. NORI. No, sir.

Representative CARTER. Did he know that you took it out for your wife?

Mr. NORI. He had a statement, I think.

Representative CARTER. Did he make any objection to it?

Mr. NORI. No, sir.

TESTIMONY OF AUGUST KENSLER, QUARTERMASTER.

The witness was duly sworn by the chairman.

The CHAIRMAN. Your name is August Kensler?

Mr. KENSLER. Yes, sir.

The CHAIRMAN. What is your employment?

Mr. KENSLER. Quartermaster.

The CHAIRMAN. At Carlisle Indian School?

Mr. KENSLER. Yes, sir.

The CHAIRMAN. How long have you been so employed there?

Mr. KENSLER. I have been there since the 1st of July, 1882—storekeeper and quartermaster.

The CHAIRMAN. What is your age?

Mr. KENSLER. Seventy.

The CHAIRMAN. How long have you been in the Indian Service?

Mr. KENSLEK. Since the 1st of July, 1882.

The CHAIRMAN. You have charge of the goods and supplies?

Mr. KENSLEK. Yes, sir.

The CHAIRMAN. And what else?

Mr. KENSLEK. And shops.

The CHAIRMAN. Did you have charge of the sales of Government property?

Mr. KENSLEK. Government property; yes, sir.

The CHAIRMAN. Do you know how the proceeds of the sales of Government property have been accounted since you have been there?

Mr. KENSLEK. They have been all turned in to the chief clerk or whoever it is, you know, with the exception of a lot of furniture, which was bought by Mr. Friedman and paid for out of the money received from sales of rags and old iron.

The CHAIRMAN. What fund did that money belong to?

Mr. KENSLEK. The "class 1" fund.

The CHAIRMAN. And that should have gone into the United States Treasury?

Mr. KENSLEK. Yes.

The CHAIRMAN. You say the most of that furniture was paid for out of "class 1" fund?

Mr. KENSLEK. \$270.

The CHAIRMAN. From whom was that furniture purchased?

Mr. KENSLEK. From the different parties in town.

The CHAIRMAN. Various furniture dealers?

Mr. KENSLEK. Yes.

The CHAIRMAN. Do you know their names, some of them?

Mr. KENSLEK. Yes, sir.

The CHAIRMAN. Give their names. If you have a statement of the furniture I would like to have it.

Mr. KENSLEK. Here it is, sir. (Handing papers to the chairman.)

The CHAIRMAN. The witness here presents what purports to be an itemized list of the furniture, with what purports to be receipts for the bills and attaches the same to his testimony as a part thereof.

(The itemized statement and attached receipted bills are as follows:)

Take up on Mr. Friedman property reference, supplementary, as follows:

1 extension table	}	..... \$46. 00
7 chairs, dining		
1 chair, arm. . . .		
1 chair, upholstered		10. 00
1 chair, upholstered, rocker		8. 50
1 chair, oak, rocker		4. 75
1 parlor suite, 3 pieces		39. 00
2 chairs, parlor		17. 00
1 Turkish leather rocker		35. 00
1 oak frame rocker		15. 00
1 arm chair, rocker		6. 00
1 davenport		37. 50
1 rocker		2. 75
1 table		3. 00
3 tables, porch		12. 75
3 rockers, porch		8. 25
1 cabinet		4. 00
1 refrigerator		29. 50
Total		270. 00

CARLISLE, PA., *May 26, 1908.*

Indian Training School, by Moses Friedman, superintendent, to H. L. Shapley, Dr.

To parlor suite, three pieces.....	\$39. 00
To upholstered green chair.....	10. 00
To rocker, green upholstered.....	8. 50
To oak rocker.....	4. 75
Total	<u>62. 25</u>

Mr. FRIEDMAN: Please examine if this is O. K.
Respectfully,

A. KENSLER.

Paid. H. L. Shapley. June 1, 1908.

CARLISLE, PA., *June 1, 1908.*

Carlisle Industrial School, Moses Friedman, bought of M. A. Sierer.

Dining-room suite, consisting of—

1 pedestal extension table.....	}	\$46
7 leather-seat diners.....		
1 leather-seat, arm.....		

June 10.

Received payment in full. M. A. Sierer.

CARLISLE, PA., *November 19, 1908.*

Superintendent M. Friedman, bought of M. A. Sierer.

2 roman chairs.....	\$17
1 Turkish leather rocker.....	35
1 oak-frame leather rocker.....	15
1 reed armchair.....	6
Total	<u>73</u>

December 5.

Paid in full. M. A. Sierer.

CARLISLE, PA., *February 20, 1909.*

Carlisle Indian Industrial School, bought of M. A. Sierer.

1 leather upholstered davenport.....	\$37. 50
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Received payment. M. A. Sierer. Per Jacobs.

CARLISLE, PA., *October 12, 1909.*

Mr. M. Friedman, bought of M. A. Sierer.

August 16, 1909:

3 porch tables, at \$4.25.....	\$12. 75
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August 27:

1 porch rocker.....	3. 25
1 porch rocker.....	3. 50
1 porch rocker.....	1. 50
1 cabinet, special.....	4. 00
Total	<u>25. 00</u>

Received payment. M. A. Sierer, Pr. Jacobs.

CARLISLE, PA., *March 29, 1909.*

Mr. Moses Friedman, bought of M. A. Sierer.

1 rattan rocker.....	\$2. 75
In residence of Mr. Friedman, table.....	3. 00
Total	<u>5. 75</u>

Received payment. M. A. Sierer, Pr. J.

CARLISLE, PA., July 15, 1910.

Mr. August Kinsler, bought of G. W. Rinesmith's Sons.

July 11, 1 refrigerator..... \$29. 50

Sold to Mr. Friedman.

Paid. G. W. Rinesmith's Sons. July 15, 1910.

The CHAIRMAN. The total amount of this furniture appears to be \$270. Who paid for the furniture?

Mr. KENSLER. I paid for the furniture.

The CHAIRMAN. How did you come to do that?

Mr. KENSLER. When I wanted to turn in money at the office he says, "Here is some bills here. I have been buying some furniture here; there is very little furniture in the house." "Well," I says, "I don't know about that." "Oh," he says, "that will be all right. When I leave that furniture will remain here just the same. There will be no trouble about it."

The CHAIRMAN. Who said that?

Mr. KENSLER. Mr. Friedman, the superintendent.

The CHAIRMAN. When you wanted to turn the money in, Superintendent Friedman presented these bills?

Mr. KENSLER. Presented some of the bills; yes.

The CHAIRMAN. Some of the bills?

Mr. KENSLER. Yes; you know they were not all bought at one time.

The CHAIRMAN. And you objected to paying them, or you questioned it?

Mr. KENSLER. Questioned it; that is the only thing I did. Well, it was all right, he says. I knew he had no furniture except one room furniture, for that large house. I did not know hardly what to say to him. I says, "I don't know about that." "Oh," he says, "that will be all right. When I leave that furniture will remain right here."

The CHAIRMAN. What accounting was made of that \$270 paid for Mr. Friedman's furniture in the way you have stated?

Mr. KENSLER. What accounting?

The CHAIRMAN. Yes.

Mr. KENSLER. No accounting at all, except what bills you have.

The CHAIRMAN. It was never entered upon the books at the school?

Mr. KENSLER. No, sir.

The CHAIRMAN. Nor paid into the Treasury of the United States?

Mr. KENSLER. No, sir.

The CHAIRMAN. But was paid out of these bills and no account kept of it?

Mr. KENSLER. No account except what you have there.

Senator LANE. That would complicate the accounting of your receipts? You made an accounting of your receipts to the Government of these moneys which were expended for this?

Mr. KENSLER. No, sir; it would not complicate anything, because the money was not turned in, you see.

The CHAIRMAN. How were these bills paid?

Mr. KENSLER. By cash.

The CHAIRMAN. Receipts were taken and you attached them?

Mr. KENSLER. Yes.

The CHAIRMAN. Did you pay these bills with your own hand and take the receipts?

Mr. KENSLE. I paid these bills myself with my own hand.

The CHAIRMAN. Did you take up the property thus bought on the Government property returns?

Mr. KENSLE. You mean this here?

The CHAIRMAN. Yes. That was taken up by the clerk, as I understand, on the last property return Mr. Friedman made?

Mr. KENSLE. Yes.

The CHAIRMAN. When?

Mr. KENSLE. That was about a month or so ago.

The CHAIRMAN. Since the joint commission was over there?

Mr. KENSLE. I think it is; yes, sir. I am pretty sure.

The CHAIRMAN. I see one bill here, receipted, under date of May 26, 1908, for \$62.25 from H. L. Shapley, dealer in furniture and bedding; another receipt for \$46, under date of June 12, 1908, from M. A. Sierer; a second for \$73 under date of November 19, 1908, from the same person; a third from Sierer under date of February 20, 1909, for \$37.50; a fourth from the same dealer under date of October 12, 1909, for \$25; a fifth under date of March 29, 1909, for \$5.75; and another bill for \$29.50, receipted by G. W. Rinesmith's Sons, dealers in stoves, ranges, and furnaces, under date of July 15, 1910.

Do these bills and receipts correctly represent the dates upon which they were paid?

Mr. KENSLE. On which they were paid; yes, sir.

The CHAIRMAN. These items were never taken up on the Government property return until about a month ago?

Mr. KENSLE. No, sir.

The CHAIRMAN. Do you know how they came to be taken up then? At whose instance were they put on the property returns of the Government?

Mr. KENSLE. Why, Mr. Friedman then talked about going away, and I sent word up. I said that this property must be taken up now. Then he directed that it be taken up.

The CHAIRMAN. That was done at your instance?

Mr. KENSLE. Yes, sir.

The CHAIRMAN. Why was it not taken up at the time or about the time of the transactions?

Mr. KENSLE. It should have been, if the money had been taken up, which it ought to have been. Otherwise I don't see how it would work out very well. It did look funny to me too, I assure you. That has worried me more than enough.

The CHAIRMAN. As a matter of fact, you knew that the transaction was improper, Mr. Kensler?

Mr. KENSLE. I did, sir; I felt it all the time, that it ought to be done right at first.

The CHAIRMAN. Of course, you had no authority, and there was no authority, to expend that money for any purpose?

Mr. KENSLE. No. To verify my statement, I leave it to this man here [indicating Mr. Nori]. I said some time shortly after that, I says, "I am paying for some furniture for Mr. Friedman; I don't like that." Didn't I? (No response.)

The CHAIRMAN. You may just make your own statement, you know. Now, do you remember another transaction relating to the proceeds of the sale of some bags? I believe they were cement bags.

Mr. KENSLER. Yes, sir; I do.

The CHAIRMAN. Do you know about when that transaction occurred?

Mr. KENSLER. Well, that was bags that we had from Bixler & Sons, and I spoke to him again about that. "Well," he says, "it is very often you need things we haven't got here in stock, and it is a mighty nice thing to have it so you can just send on for it, such as locks, etc., which we needed considerable of." I said, "All right, then, if that is your orders"——

The CHAIRMAN. Do you know the amount of those purchases?

Mr. KENSLER. I don't know the exact amount.

The CHAIRMAN. Have you the receipts for them?

Mr. KENSLER. No; I have not, because the balance of it also was taken up. It was \$176 taken up on the last account current.

The CHAIRMAN. On the property accounting to the Government?

Mr. KENSLER. On the account current to the Government.

The CHAIRMAN. When did the transaction actually occur? When was the money actually expended and the property bought?

Mr. KENSLER. You mean the sacks?

The CHAIRMAN. Yes.

Mr. KENSLER. That was from time to time; we were dealing with those people in purchasing cement.

The CHAIRMAN. Give me about the years.

Mr. KENSLER. I could not very well say that; but anyway it is in the last three years.

The CHAIRMAN. Within the last three years?

Mr. KENSLER. Yes, sir.

Senator LANE. You would save up these moneys, and then use them to purchase supplies?

Mr. KENSLER. No; I never took the money out of the firm's hands; never. They checked up against it. I sent a regular request down on our request blanks and checked on that blank to credit account.

The CHAIRMAN. What would you purchase?

Mr. KENSLER. Locks or whatever they needed around the shops.

Senator LANE. Something that was used there on the premises for the benefit of the school?

Mr. KENSLER. Yes.

The CHAIRMAN. That was property, "Class," just the same as the other?

Mr. KENSLER. Yes, sir.

The CHAIRMAN. And should have gone into the Treasury of the United States. But, if I understand you correctly, at the direction of the superintendent it was used for the purchase of articles there at the school?

Mr. KENSLER. Yes, sir.

The CHAIRMAN. What was the total amount of it, if you remember?

Mr. KENSLER. The total amount of the purchases?

The CHAIRMAN. Yes.

Mr. KENSLER. I should think between \$40 and \$50.

The CHAIRMAN. What was the total amount of sales of the sacks?

Mr. KENSLEK. Well, the balance of the money received for the sacks was \$176.

The CHAIRMAN. What was done with that?

Mr. KENSLEK. It was turned into the Treasury, I presume. I sent the check up, anyway.

The CHAIRMAN. When?

Mr. KENSLEK. That is on the last account current.

The CHAIRMAN. About when was it?

Mr. KENSLEK. Oh, it is about the 15th of February.

The CHAIRMAN. Of this year?

Mr. KENSLEK. Yes.

The CHAIRMAN. Since the joint commission and Mr. Linnen were over there?

Mr. KENSLEK. Yes, sir.

The CHAIRMAN. Do you know how that came to be done?

Mr. KENSLEK. Well, I wanted to do that long ago but he put it off all the time, and he says, "There is no hurry about it."

The CHAIRMAN. Who had that balance of \$170?

Mr. KENSLEK. The firm.

The CHAIRMAN. What firm?

Mr. KENSLEK. Bixler & Sons. We never handled a dollar of it.

The CHAIRMAN. They are in Carlisle?

Mr. KENSLEK. In Carlisle, yes.

The CHAIRMAN. As a matter of fact, the proceeds of those sacks, amounting to \$220 or \$225, never came into your hands at all?

Mr. KENSLEK. No, sir.

The CHAIRMAN. But was retained there in the hands of a local dealer in Carlisle?

Mr. KENSLEK. Yes, sir.

The CHAIRMAN. And part of it used for the purchase of tools and supplies there at the school, and the remainder kept until since the investigation began, and then was turned into the Treasury?

Mr. KENSLEK. Yes, sir.

The CHAIRMAN. The whole sum was not turned into the Treasury, I assume; or was it? Do you know what amount was turned into the Treasury on account of the proceeds of those sacks?

Mr. KENSLEK. \$176, I think.

The CHAIRMAN. By whom?

Mr. KENSLEK. By the firm; I sent the check up.

The CHAIRMAN. To the Treasury?

Mr. KENSLEK. No; to Mr. Friedman.

The CHAIRMAN. Was the check payable to Mr. Friedman?

Mr. KENSLEK. Yes; the superintendent.

The CHAIRMAN. Did you see the check yourself?

Mr. KENSLEK. No; I did not.

The CHAIRMAN. How do you know that was done, then?

Mr. KENSLEK. That I could not say now.

The CHAIRMAN. It is not within your personal knowledge?

Mr. KENSLEK. No, sir; I didn't handle any cash payments.

The CHAIRMAN. Do you know of any other property that was disposed of there, Mr. Kensler, the proceeds of which should have gone into the Treasury that was not paid into the Treasury?

Mr. KENSLEK. No, sir.

The CHAIRMAN. Can you state whether or not there were any other funds of that kind?

Mr. KENSLER. None but was turned in.

The CHAIRMAN. Does anyone else want to ask any questions?

Senator TOWNSEND. This furniture that was bought for him, is that in the house?

Mr. KENSLER. It is in the house yet; yes, sir.

Senator TOWNSEND. Is it all there?

Mr. KENSLER. Supposed to be all there, and no doubt it is, too.

Senator TOWNSEND. Do you know of any case where Mr. Friedman himself personally got any advantage of the money?

Mr. KENSLER. I do not.

Senator TOWNSEND. The holding of the money due the Government in the hands of that firm, was that doing Mr. Friedman any good?

Mr. KENSLER. Not a bit.

Senator TOWNSEND. He was getting nothing out of that?

Mr. KENSLER. Not a thing.

Senator TOWNSEND. What was there wrong about that?

Mr. KENSLER. There was this much wrong, as the Chairman says: It should have been turned in right off when the sacks were sold.

Senator TOWNSEND. But it was not used by the superintendent.

Mr. KENSLER. No; not a thing came up to his house.

Senator TOWNSEND. Was there any furniture in the house?

Mr. KENSLER. When he came there?

Senator TOWNSEND. Yes.

Mr. KENSLER. No more than one employe's furniture—one room.

The CHAIRMAN. As a matter of fact, the Government allows a certain amount for the furnishing of those buildings, does it not? And this was in excess of that?

Mr. KENSLER. Oh, yes, sir; this was all in excess.

The CHAIRMAN. You knew, and Mr. Friedman knew, as a matter of fact, that he had no right to divert that money from the Treasury of the United States to buy furniture for his own use?

Mr. KENSLER. His reasons, as I am telling you—he intimated he did not have the money to furnish the house, but, he says, "It will be all right." He says, "I will leave every bit of it here."

The CHAIRMAN. In any event, the Government should have been credited with the property if it was bought for the Government?

Mr. KENSLER. I know, but there was this trouble about it. The money should have been turned in first, and then authority asked to expend it.

The CHAIRMAN. Certainly.

Mr. KENSLER. And I wanted to have that.

The CHAIRMAN. As a matter of fact, there never was any intention to account to the Government for either that furniture or the money until this investigation was begun?

Mr. KENSLER. Yes: according to his statement, it was the intention, as soon as he left Carlisle. That is what he said to me; that is the excuse he made. "As soon as I am relieved as superintendent" or "When I leave this house, I will leave all that furniture there."

The CHAIRMAN. Yes; but that is not what I am asking. As a matter of fact, this \$270 fund that should have gone into the Treasury, and which no one had a right to touch, would never have been

accounted for; the property would have been left there, but it would not have been accounted for unless through fear of exposure? Well, that is a matter of argument.

Senator LANE. The fact is this: In the first place, they had no authority to retain the money at all. It was their duty to turn it into the Treasury. In the second place, they had no authority to buy the furniture without getting the permission of the officials here. They committed two wrongs there.

Representative CARTER. And in the third place, no accounting was contemplated at all.

Senator LANE. No.

Senator TOWNSEND. You paid for these goods, didn't you?

Mr. KENSLER. Yes.

Senator TOWNSEND. You paid for them as a Government official?

Mr. KENSLER. Yes.

Senator TOWNSEND. What kind of entry did you make in your books?

Mr. KENSLER. I have the receipts there.

Senator TOWNSEND. Didn't you make any entry except those receipts?

Mr. KENSLER. These I held intact, because, I said, when he leaves, or if I leave before he leaves, I will turn these receipts over to the party that is my successor.

Senator TOWNSEND. Did you pay for the goods?

Mr. KENSLER. I didn't buy it; he bought it.

Senator TOWNSEND. You paid for it?

Mr. KENSLER. I paid for it.

Senator TOWNSEND. You paid for the property, and you knew that it belonged to the Government or else you would not have paid for it?

Mr. KENSLER. Yes; that is right.

Senator TOWNSEND. That is what I understand. I am not excusing the proposition that this money was not properly turned over in the first place, but I see the other view.

The CHAIRMAN. When Mr. Lipps came there after Dr. Friedman was suspended, do you know whether there was a checking up of the Government property?

Mr. KENSLER. Yes, sir.

The CHAIRMAN. Did you assist in doing it?

Mr. KENSLER. Yes.

The CHAIRMAN. Do you know whether or not there was other property found there which had not theretofore been taken up by the Government which was then taken up on the Government property list?

Mr. KENSLER. Yes, sir; there was quite a lot.

The CHAIRMAN. How much?

Mr. KENSLER. That is partly the fault of mine when it comes down to it. I had no way of taking an inventory for years, being all by myself. There was some wagons there—two mail carts and a herdic wagon—and a horse. That all came in during Gen. Pratt's time. During his time he purchased a great deal of that stuff out of the athletic funds, you know—or the "charity" fund rather, speaking more plainly.

Representative CARTER. What was the charity fund?

Mr. KENSLEK. Oh, quite a charity fund, you know. They used to go around collecting money from citizens outside—that is, in the different cities.

Representative CARTER. For the support of the school?

Mr. KENSLEK. For the support of the school.

Representative CARTER. They do not do that any more?

Mr. KENSLEK. No; that was done away with.

(Thereupon, at 12 o'clock m., the joint commission proceeded to the consideration of other business.)

REPORT ON THE CARLISLE INDIAN SCHOOL.

[By Inspector E. B. Linnen, Feb. 24, 1914.]

DEPARTMENT OF THE INTERIOR,

Washington, February 24, 1914.

The SECRETARY OF THE INTERIOR,

Washington, D. C.

DEAR SIR: In compliance with your instructions, dated January 19, 1914, I proceeded to Carlisle, Pa., and made an investigation of the Carlisle Indian School and all matters in connection therewith. I now have the honor to report as follows:

One of my first duties after arrival at Carlisle was to check up the funds, books and accounts, viz, the "Athletic funds" and "Individual Indian moneys," being the funds of the various students and the Government funds from various appropriations, etc. One of my first duties, also, was to visit the dining room, shops, dormitories, etc., and acquaint myself with the conditions then existing. I then visited the hospital, schoolroom, and every department, and acquainted myself fully with conditions from personal observation and talking with the heads of the various departments, with the employees, and with the student body.

After I had become thoroughly conversant and acquainted with the conditions then existing and in accordance with previous agreement, I conveyed the information briefly to Hon. Joe T. Robinson, chairman of the Joint Commission to Investigate Indian Affairs, that I had secured sufficient data and information and had witnesses ready to impart the information whenever the joint congressional committee appointed by Congress to investigate Indian affairs chose to come to Carlisle to conduct their investigation.

Subsequently four members of said joint congressional committee came to Carlisle, Pa., and conducted their investigation. These members were: Senator Joe T. Robinson, chairman; Senator Harry Lane; Congressman John H. Stephens; and Congressman Charles D. Carter. Said joint commission remained at Carlisle for a period of two days and took testimony of many witnesses, which testimony is embraced in volumes 1 and 2, Carlisle Indian School, marked "Hearings before Joint Commission to Investigate Indian Affairs," which volumes contain 692 typewritten pages of testimony of 61 various witnesses.

Same are herewith transmitted and marked "Exhibits A and B." to which your attention is respectfully invited, as the same contains valuable testimony of members of the student body appointed to present the grievances of said student body and numerous employees bearing on the condition of said school, the treatment of the students and employees by the superintendent, and has a direct bearing and imparts information as to lack of discipline, morals, lack of interest and proper management in practically every department of said school, lack of sufficient food for the student body, and shows the disrespect and contempt in which Supt. Friedman is held by the student body, as also by a majority of the employees.

Same also shows the cruel and unjust treatment inflicted on certain students, corporal punishment, the placing of students in the county jail, and the sentencing of some of them in direct violation of the law, and shows such an unsatisfactory condition of affairs to exist at said school as convinced all the members of said joint commission that Supt. Moses Friedman had not been conducting said Carlisle Indian School in a proper manner, and that in the best interests of said school and of the Government service he should be removed.

Said joint committee's investigation also convinced them that in the best interest of said school and the Government service, one Claude M. Stauffer, musical director, who inflicted corporal punishment on a young lady student by the name of Julia

Hardin, 17 years of age, and was thereafter grossly insubordinate to me, should also be removed from the Government service, and that the matron, Miss Anna H. Ridenour, should be reprimanded and promptly transferred. This judgment and recommendation on the part of said commission has my hearty and unqualified approval.

These are the recommendations which I here make, and should have made regardless of the investigation of said joint commission.

I also make other recommendations hereinafter which I believe to be in the best interests of said school, and desire to direct your particular attention to the abuses which have for many years occurred in connection with the athletic funds of said school, and I submit that the evidence herewith transmitted shows that the athletic coach, Mr. Glenn S. Warner, is not a proper person to longer be associated with said student body by reason of his domination over the athletic boys, his foul language and cursing of the athletic boys in the presence of the student body and outsiders who happen to be present on such occasions. His influence at said school is demoralizing, and it is the consensus of opinion of the heads of the industrial departments of said school, the principal, and the majority of the teachers that football and athletics have dominated said school; that all other departments have been made to be subservient thereto, and that the manner in which athletics have been conducted has been extremely bad for the academic and industrial training of the student body.

I desire to draw your particular attention to the fact that in practically every department of said school there has been a lack of proper interest and proper management; that there has been a lack of individual interest in the student body for their welfare; that there has been no systematic effort made to teach the various trades to the young men; that they were detailed from one shop to another or to the farm or outing, and that but a very small per cent of the students detailed in the various shops ever became proficient or learned any trade, because of lack of sufficient length of detail or interest; that there is almost an entire lack of agricultural training, and that the boys have been made to feel that they were being punished when detailed to work on farm, garden, or dairy; that some of the trades have been abandoned which the catalogues of said school advertise. There has been no human side exhibited by the superintendent at said school, and his relations and conduct toward the pupils have been overbearing and very unfriendly and unsympathetic. The students could not go to him with their grievances or receive kindly advice; neither could the girl students go to the matron and receive sympathy or motherly advice. The management of the school appeared to be exceedingly strained and unfriendly toward the student body, who were almost in open rebellion by reason of the treatment received and injustice practiced on some of their members.

This strained condition of affairs could not have much longer obtained. An open break and rebellion was imminent upon my arrival at said school. It is sufficient to say in this connection that the members of the student body had held meetings, both the boys and the girls, and that 276 members of the boys had signed a petition requesting an investigation of said school. This petition was handed over to Congressman Arthur R. Rupley, whose home is at Carlisle, Pa.

After my arrival at said school I was called upon by the members of the student body, both young men and young women, requesting permission to hold a meeting of their student body and select therefrom members to present their grievances to me. I believed that in justice to said body it should be allowed, and I granted such permission, with the distinct understanding that the members of said student body to be so selected must represent the majority of the students; that they must state only the truth and the facts, under oath, and matters which are material to the welfare of the student body and the school. Such committees were appointed by the student body and they appeared before the joint congressional committee and gave testimony, to which your attention is respectfully invited.

In this connection I desire to say that my observation convinces me that there is a high class of students at said school; that there is the making of many good, true men and women out of the majority of said student body if they be properly handled and their better natures appealed to; that they have a high sense of honor and justice, and can be properly developed and molded with sympathetic, kindly teaching.

With respect to the feeling exhibited by the various members of the student body toward Supt. Moses Friedman, it is sufficient to say that the majority of the student body have the utmost contempt and disrespect for him; that they have publicly hooted and jeered him, and have called him "Old Jew," "Christ-killer," "Mose," "Pork dodger," etc., and have thrown old shoes at him and treated him with the utmost disrespect. They state that members of their student body have been unjustly and cruelly treated; have been expelled and sent home from said school simply because they had complained of the food and treatment accorded them at said school

and had taken part in gatherings, and had signed petitions requesting an investigation, etc. Also they complained of corporal punishment of some of the members of the student body; of the placing of some of the students in the county jail, etc.

ATHLETIC FUNDS—MISAPPROPRIATION OF SUCH MONEYS—DOMINATION OF ATHLETICS OVER SAID SCHOOL—GLENN S. WARNER IMPROPER COACH.

The athletic funds of said school which have been improperly handled for many years past is the bone of contention, and has caused more to disrupt, to disorganize, said school and create a bad feeling and a feeling of unrest and injustice among the student body than all else combined. Everything about said school has been made subservient to football and athletics.

It has been considered an honor to be on the first football team and to be connected with the athletics of said school. Young men of the student body who were so fortunate as to be equipped with great strength, health, and bodily vigor to take part in the strenuous sports were granted every consideration and privilege. They had special quarters in which to reside, a special training table, and a separate cook, and especially good food was provided for them. They were given watches, medals, suits of clothing, overcoats, and money as well. They spent the major portion of their time in training, to the detriment of their education, both academic and industrial. If members of the athletic team were in some of the shops, as was frequently the case, they got off at half past 3 or 4 o'clock in the afternoon and went to train. If they were in the schoolroom, they left the schoolroom for such purpose. During the football season they were away much of the time, and, as a consequence thereof, their education, both academic and industrial, suffered, and when it is taken into consideration that at least 60 or more of the student body were engaged in athletics and constantly in training, it may be noted what effect the same would have on a school of this character.

The other young men of said school who were not so fortunate as to be members of these football teams or athletics have felt that they were being unjustly treated and slighted; that these athletic boys had more and better things to eat, more and better clothing to wear, were better housed, and favored in every way, which created a spirit of jealousy, dissatisfaction, and unrest.

The receipts from games for said athletic funds from the year 1907 to 1913 were:

During the year—

1907	\$58,032.30
1908	32,175.05
1909	30,619.94
1910	19,374.36
1911	23,990.47
1912	33,275.88
1913	26,321.83

For your information I inclose herewith an itemized statement showing the receipts from the various games in said athletic fund for the years 1907 to 1913, inclusive, which I attach together and mark as one exhibit, being "Exhibit C."

I have prepared a list comprising 23 typewritten pages, single spaced, of checks showing payments made out of this athletic fund from February 9, 1907, to date, to which your special attention is invited. This list of checks shows hundreds of payments made to various football players, many payments made to ministers, many payments made to Government employees who were receiving Government salaries, payments made to newspaper correspondents, payments made to attorneys, press-clipping bureaus; insurance; hotel bills and club dues at the mess for visiting persons; moneys paid to jewelers, clothing men, etc., for football players; \$580 worth of mileage books for Supt. Moses Friedman; numerous hotel bills and expense trips for Supt. Moses Friedman, including theater tickets, etc., amounting to many hundreds of dollars; New York Times and other daily newspapers for Supt. Friedman; expenses of Supt. Moses Friedman to Washington and elsewhere, when he also charged up the Government with his expenses; moneys paid to chief of police of Carlisle and to the sheriff and detectives for arrests of pupils; Mary B. Friedman, wife of Supt. Moses Friedman, expenses, entertainment of guests, \$102.70; pay of musicians, etc.

These checks so listed are only a few of the checks drawn during said period and are simply noted to show questionable payments made and payments made to football players, and show that an effort was being made to subsidize the public press through these newspaper correspondents who have been paid many hundreds of

dollars out of this athletic fund and have been supplied with cameras out of said fund; that ministers have been paid; attorneys have been paid (some of whom have appeared at the Indian Office in Washington recently in behalf of Supt. Moses Friedman); and these ministers and persons who were so paid out of said athletic funds were the persons who appeared before the joint congressional committee to give testimony in behalf of Mr. Friedman.

Check No. 508, in the sum of \$3,667.63, and check No. 1103, in the sum of \$4,283, were checks to pay cash to football players, to say nothing of hundreds of other checks drawn for a like purpose.

One Hugh Miller, newspaper correspondent, who sends out Associated Press dispatches and who is connected with the Carlisle Evening Herald; and also one J. L. Martin, a newspaper correspondent, were paid hundreds of dollars out of said athletic funds for sending favorable reports about Supt. Moses Friedman, the school, and the football team, when they were being paid by the Associated Press for such work.

Attorney John M. Ray, of Carlisle, was paid \$100 a year, ostensibly to audit the athletic accounts; and Attorney John Wetzen, of Carlisle, received attorney's fees—for what purpose nobody appears to know—but he is now one of the active defenders of Supt. Friedman and has recently made a trip to Washington in his behalf, to see the honorable Commissioner of Indian Affairs.

The Springfield Canning Co. received various large checks for canned goods. This is a company in which Coach Warner is interested. Note the extravagant expense bills paid to Glenn S. Warner, amounting in some instances to over \$1,500 for a single trip. Note the large and numerous railway transportation bills, amounting to many thousands of dollars (which include not only railroad transportation for football players but large amounts for Pullman, etc.). While the expenses of the football members were very properly paid out of such funds, hundreds of pupils, students of the Carlisle School, spent annually thousands of dollars, which they could ill afford, paying for railway tickets, hotel bills, and other expenses to see the games which were played anywhere in the vicinity of Carlisle. The money used by these pupils for such purposes was generally furnished to them by their parents, or were moneys paid them as annuity payments or from the sale of allotments, etc.

Attention is called to the fact that in both of said annual salary payments for professional football the name of James Thorpe is included.

Glenn S. Warner, athletic coach, has been receiving a salary of \$4,000 per annum, payable from the earnings of this athletic association. In addition to this, he has been furnished with a comfortable house, heat, light, fuel, and water. All of his expenses of every character have been met, amounting to thousands of dollars per annum. The majority, or nearly all, of his trips have been made as a coach, or in connection with athletic business, presumably.

Government employees who have been receiving an extra salary out of these athletic funds are as follows:

Will H. Miller, financial clerk, salary \$1,000 per annum, has been receiving \$35 per month out of the athletic funds for keeping the books and accounts.

R. L. Mann, teacher, \$720 per annum, has been receiving \$15 per month extra out of these funds for doing Y. M. C. A. work.

Mrs. E. H. Foster, teacher, \$810 per annum, has also been paid the sum of \$15 per month for doing Y. M. C. A. work.

William H. Dietz, Indian assistant, salary \$540 per annum, has generally been paid the sum of \$500 per annum additional out of the athletic funds for acting as assistant coach.

Various ministers residing at Carlisle have received \$5 for each Sunday service. This payment for Sunday services usually amounts to \$25 per month. It is noticeable that all denominations other than the Catholic Church have been receiving said payments. One minister who seems to have been especially favored is Mr. Diefenderfer.

Some moneys have been paid to the Dickinson College at Carlisle to cover the tuition fees of various football pupils who were boarded and housed at the Carlisle Indian School and kept for the purpose of playing football. Some of these pupils so favored were James Thorpe, Frank Mountpleasant, William Garlow, Gus Welsh, Antonio Lubo, Peter and Frank Hauser, Lewis Tewanama, and others. These football players were generally also paid from \$10 to \$15 per month out of said fund.

Aside from the cash payments made to football players, they have been furnished with suits of clothing, overcoats, shoes, watches, charms, medals, and other equipment, in addition to the regular athletic clothing, viz, sweaters, trunks, stockings, shoes, etc., which are always furnished the teams. These suits of clothing, overcoats, watches, etc., were payments indirectly, instead of money to these football players.

Supt. Friedman spent hundreds of dollars per annum out of said funds in expenses incurred by himself, wife, and friends in visiting these games. Note—

Check No. 1181, Jan. 20, 1909, expenses to Washington.....	\$70. 90
Check No. 1534, Sept. 4, 1909, expenses to Washington.....	16. 00
Check No. 1633, Oct. 28, 1909, expenses to Washington.....	87. 00
Check No. 1866, Jan. 29, 1910, expenses to Washington.....	27. 00
Check No. 2001, May 24, 1910, expenses to Hampton.....	16. 00
Check No. 2016, Jan. 22, 1910, expenses to Philadelphia, Pa.....	17. 00
Mileage books.....	40. 00
Check No. 2314, Dec. 6, 1910, expenses to football team.....	211. 00
Check No. 2412, Feb. 8, 1911.....	56. 86
Check No. 2615, July 11, 1911, expenses to New York.....	22. 00
Check No. 2622, July 28, 1911, expenses to Washington.....	17. 00
Check No. 2747, Nov. 20, 1911, expenses to Philadelphia, Pa.....	55. 00
Check No. 2800, July 28, 1911, expenses to Boston.....	48. 00
Check No. 2848, Jan. 27, 1912, expenses to Washington.....	42. 20
Check No. 2929, Apr. 9, 1912, expenses.....	58. 60
Check No. 3138, Nov. 14, 1912, expenses to Washington.....	75. 65
Check No. 3139, Nov. 15, 1912, expenses to Philadelphia, Pa.....	69. 20
Theater.....	10. 00
Additional expenses to Philadelphia, Pa.....	22. 00
Check No. 3598, October 24, 1913, hotel bill, Philadelphia, Friedman.....	54. 05

Etc.

In addition to the above, he always had mileage books, which were paid for out of this athletic fund, used by himself and wife. Also, we find by check No. 3311, April 9, 1913, \$102.70 for entertaining by Mrs. Friedman.

The Government does not insure its buildings and has never made a practice of doing so, still I find some of these buildings covered by insurance and checks paid out of the athletic funds, as follows:

Check No. 1429, dated Aug. 31, 1909.....	\$30. 00
Check No. 1533, dated Sept. 2, 1909.....	60. 00
Check No. 3025, dated Aug. 10, 1912.....	60. 00
Check No. 3028, dated Aug. 10, 1912.....	60. 00
Check No. 3188, dated Dec. 9, 1912.....	7. 20

I also find that it has been customary to pay the chief of police of Carlisle the sum of \$2 for the arrest of each Indian boy student found in Carlisle without a pass. Also, the sheriff and detective have been paid for making arrests of students.

Loans of money have been made from said athletic funds to members of the football team, as follows: Albert B. Exendide, \$200; Lewis Tewanama, \$300; Gus Welsh, \$50; and others, knowing when said loans were made, or feeling absolutely sure, that they would never be repaid.

Check No. 1651, dated November 21, 1903, was to pay the Postal Telegraph Co. \$15 for furnishing election returns.

During the years 1907-8 Northern Pacific & Reading Railway bonds were purchased by the former superintendent, Maj. W. A. Mercer, out of these athletic funds. This investment appears to have been a fortunate one, in that all of those bonds or railroad stocks were later sold at a profit, as per lists herewith inclosed, marked "Exhibits D and E," which lists give the number of the bond, date of purchase, purchase price, date of sale, sale price, and the profit, which aggregate \$1,588.25. However, I do not deem it advisable to thus speculate with funds which have been derived from school athletics or any other Government source.

This list of checks, showing payments made out of the athletic fund, I inclose herewith and mark "Exhibit I," and respectfully invite your attention to same.

Attention is invited to various copies of bills rendered for clothing, shoes, etc., for the athletic boys, and particularly the football players. These copies of bills I attach and mark as one exhibit, being "Exhibit F."

I also inclose itemized list, showing amount of money paid each football player during the years 1907-8 out of the two checks, aggregating \$9,233. These I attach together and mark as one exhibit, being "Exhibit G."

I also call your attention to the fact that out of the \$9,233 paid to football players during the years 1907-8 James Thorpe, a professional, received the sum of \$500.

These football games were played in various parts of the country—in Minnesota, Nebraska, Missouri, Colorado, Pennsylvania, Illinois, New York, Massachusetts, Ohio, District of Columbia, and other points. The receipts generally have been quite large, varying from a few dollars to nearly \$17,000 for one game for the portion

awarded the Carlisle Indian School. In almost every instance the manager of the athletic field where the game was played rendered a statement showing the total proceeds derived from the game, the total amount of expenditures of every nature, and the amount due the Carlisle team, which generally ran from 33½ per cent to 50 per cent of the proceeds. These statements are generally on file in the office, from which I could verify the books.

The material for the business department of the academic building was built out of athletic funds, costing approximately \$7,000. The material for the printing office was also paid out of said athletic funds, costing approximately \$2,500.

The old hospital was remodeled into athletic quarters and the material paid from said funds. This remodeled building cost approximately \$13,600. The two-story frame cottage occupied by Glenn S. Warner, coach, was built out of said athletic funds. This building cost approximately \$3,400. The studio, or art building, a one-story cement-block structure, was also built out of said athletic funds and cost approximately \$3,500.

The grading of the athletic field, which cost approximately \$1,000, was paid from said athletic funds. The fire engine and hose house was built from said funds, which cost approximately \$300.

The material for the construction of these buildings was furnished and paid for out of the athletic fund, but the construction work was largely paid for by the Government.

All payments have been made out of said fund by check, and generally a bill or statement furnished covering the items paid. In many instances these bills appear to be extremely liberal, and the moneys have been used for paying all class of expenses, such as entertainments of various characters, lectures, salaries, transportation of pupils to play football, paying for tutorage for football boys at Dickinson College, paying them salaries, buying them clothing, etc., paying for newspaper press clippings, paying newspaper correspondents, attorneys' fees, druggists' bills, ministers' bills, athletic goods of all descriptions, periodicals, insurance, watches, medals, arrests, loans of money, etc.

Articles of incorporation for a charter for said athletic association were filed April 11, 1911, with the recorder of deeds of Cumberland County, Pa., which, by said articles of incorporation, was entitled "Carlisle Indian School Athletic Association." The names of the incorporators were: Moses Friedman; Glenn S. Warner, coach; Will H. Miller, financial clerk; William Garlow; D. H. Wuseka, football player.

The first three named reside at Carlisle, Pa. The officers of said organization are Glenn S. Warner, president; Will H. Miller, secretary and treasurer, and these two officers, together with Moses Friedman, superintendent, constitute the executive committee.

The books and accounts are being properly kept, except they are not quite as full and complete as should be for information. The balance in said athletic fund on February 13, 1914, was \$25,640.08, for which check in said amount was made to O. H. Lipp, supervisor in charge.

The rules and regulations of the Indian Office approved by the Secretary of the Interior June 14, 1910, specifically provide that the athletic funds be taken up as class 4 funds by the superintendent and special disbursing agent at each Indian school and on each Indian reservation, and under the heading of class 4 funds, paragraph 289, appears the following:

"(g) School entertainment, band concerts, athletic contests, sales of curios, or fancy articles manufactured by pupils * * *."

It will be noted that the articles of incorporation were filed after the amendment No. 30 to the regulations approved June 14, 1910, which were at all times since that date on file in the superintendent's office at Carlisle, Pa.

Section 250 of the Revised Statutes, 5488, provides that—

"When an agent deposits any public money in any public place not designated for the purpose by the Secretary of the Treasury, or any employee converts, loans, transfers, or applies public money, he will be deemed guilty," etc.

Amendment 30 of the regulations dated May 16, 1910, approved by the honorable Secretary of the Interior, provides, among other things, that—

"Funds coming into the hands of disbursing officers from miscellaneous sources are divided into the following class and must all be taken up and accounted for in compliance with the act of July 1, 1898 (30 Stat. L., 595), which provides that 'hereafter Indian agents shall account for all funds coming into their hands as custodians from any source whatever, and be responsible therefor under their official bonds.'"

Upon my arrival at the Carlisle Indian School one of my first demands was for the books and accounts of the athletic funds for investigation. I made such demand of the financial clerk, W. H. Miller, who is secretary and treasurer of the athletic

association in the absence of the superintendent, Moses Friedman. He was loath to turn said books and accounts over to me for investigation, and stated, as did also Glenn S. Warner, coach and president of said athletic association, that the same was a private fund of which the Government or its officers had no control, and I had to insist quite strenuously in order to obtain the books and accounts of said athletic association for the purpose of checking them up. The result of same is herein indicated.

While it is true that some of the funds derived from these football games have been put to a very good and worthy purpose, viz, the construction of various buildings on the school grounds, etc., still a large amount of such funds have been improperly used and various interests have been subsidized by the use of such moneys.

In conformity with telegram, dated Washington, D. C., February 17, 1914, received by me from Hon. Cato Sells, Commissioner of Indian Affairs, I obtained the written consent of Glenn S. Warner, president and director; Will H. Miller, secretary, treasurer, and director, and Moses Friedman, superintendent and director of the Carlisle Athletic Association, to turn over the funds of said association to the supervisor in charge, which was done, and I have the honor to inclose herewith copy of said agreement, signed by said three officers and directors of said association, which I mark "Exhibit H."

The principal teacher of said school, Mr. John Whitwell, stated to me, in referring to the influence of athletics on the shop and school room work in general:

"I wish to add that so long as the school boys are allowed to play on teams and publicly represent the school without any regard to their progress or standing in shop and school room work, just so long this influence will continue to be a menace to the best interests of the pupil and the school."

This opinion is concurred in by Charles H. Carns, painter; Martin L. Lau, carriage-maker; John A. Herr, carpenter; H. Gardner, assistant carpenter; William C. Shambaugh, blacksmith; Harry B. Lamason, mason; John Boltz, shoemaker; Robert B. George, tinner; Ramond Reneker, baker; each being a Government employee in charge of the various shops; William B. Gray, farmer; C. K. Ballard, second farmer; W. J. Ryan, dairyman; George Abrams, gardener; William Nonnast, tailor, and a majority of the other employees at said school.

In this connection your attention is respectfully invited to the testimony given by these various employees, as embraced in "Exhibits A and B" before the joint commission, which testimony is properly indexed.

The fact is that athletics at said school rank first, the band second, and commencement exercises third. Everything was done for advertisement, show and glitter, all at the sacrifice of the schooling, farming, gardening, dairying, trades, and industrial teaching. Everything was made to be subservient to athletics and football. This as to the academic and industrial work. The boys were taken out of the school and out of the shops, and special privileges were granted to football players.

Now, with relation to Glenn S. Warner, coach. As heretofore stated, Mr. Warner, coach, has been receiving a salary of \$4,000 per annum, house rent, heat, light, etc., for many years past, his salary being much greater than that of the superintendent. His work during the football season as coach probably covers a period of three months. Mr. Warner appears to have had a great influence over Moses Friedman, superintendent, and exhibited to me a three-year contract entered into January 14, 1914, between himself and Moses Friedman, superintendent, under the terms of which he was to receive a salary of \$4,000 per annum, house rent, heat and light for a period of three years from January 1, 1914. This contract or agreement, in writing, between himself and Moses Friedman was without authority of this department and does not in any manner bind the Government or Supt. Friedman's successor in office.

Six members of the first football team led by Elmer Bush, the captain of said team, appeared before me and made affidavits with relation to Coach Glenn S. Warner, their complaints being in substance as follows:

The affidavit of Elmer Bush, captain of the first football team, is in substance as follows:

"Mr. Warner is kind of rough to the football players, using profane language to them. I heard him curse a boy named William Hodge; called him a son of a bitch, like that; said he was not doing his duty; said all that we think of was eating and did not give a damn if we played or not. He cursed Walette. He cursed the football boys in the presence of the students and spectators. He cursed Aleck Arcasa when playing at the John Hopkins University. His influence among the student body and football boys is bad.

"I know he is kind of good to the football boys during the season, and when he gets out of humor he calls them all kinds of names. As long as they play football he is their friend, but after they leave school he has nothing to do with them. After

football season he has nothing to do with the football boys; in fact, he has nothing to do with the students who do not take part in athletics. I do not think he is honest. The boys have been displeased because they never know anything about the athletic receipts or disbursements. He has the say of the football boys whether they are to be sent home or to come back.

I do not believe a man who curses and swears at the boys has good influence over them."

(Affidavit marked "Exhibit J.")

The affidavit of Gus Welsh, member of the first football team, shows in substance that he has been enrolled at said school as a student for a little over five years. He believes Mr. Warner is a good football coach, but a man with no principle; that he does not have the right influence over the student boys; that he is detrimental to their cause; that so long as he can use you he is all right with you; but the minute you voice your own sentiments and speak up for them he abuses you; that he uses profane language and curses the boys; that Coach Warner has cursed him and others; that he has used the worst cursing and swearing that he could use; that Coach Warner would say to football boys he was vexed at: "You God damn bone head," or "You son of a bitch"; that he would use such language most every day on the athletic field; that he thought he was superior to the athletic boys, and that they would stand that kind of language; that he jumped the boys for making minor mistakes; that he saw him strike a football player named John Walette; that he heard him once threaten a boy in Pittsburgh that he would knock his "damn block off." The boy's name was Roy Large. After having been associated with him for three years, he considers him no man for the place that he holds. His language is not what it should be.

"I have one criticism to make. In each large game we have 50 to 75 complimentary tickets which he is supposed to issue to the patrons of the school, and we have seen him sell these tickets outright in the hotel lobbies, and I think he kept the money. I regard him as being dishonest, and so do the other boys. The general opinion among the football boys is that Mr. Warner has been receiving a rake-off, or something of value, on account of purchases with athletic moneys, because the accounts have been so concealed there must be something wrong. Coach Warner practically controls the students who play football and take part in athletics, rather than the superintendent. A number of the prominent football boys have mentioned that they were in favor of discontinuing athletics if Mr. Warner was retained as coach. A short time ago, prior to your coming, I took a leading part among the student body in procuring a petition, which was signed by upward of 200 of the schoolboys, to have an investigation made of this school. Shortly thereafter I had a telegram that my brother was very ill in Wisconsin. I had another brother here at the school who was anxious to go home, and I wanted him to go home rather than myself; but Superintendent Friedman and Coach Warner were insistent that I should go, and they paid my expenses home out of the athletic fund, my idea being that they wanted to get rid of me during this investigation and not have me appear, as I am now doing."

Your attention is invited to this affidavit, which is marked "Exhibit K."

Edward Bracklin, a football player and member of the first football team the past two years, states, in substance, that Coach Warner is an abusive fellow when he is playing with the boys on the field; that he is not a very desirable leader, often uses profane language among the boys; that during the football season it is a daily occurrence that he calls the boys "sons of bitches," and also other names; that he saw him strike a football player, John Walette, with a stick, and in 1910 saw him kick one of the football boys and curse him. The boy's name was Lewis Dupois; that he uses profane language before the students, football boys, and curses them before the spectators; that Warner has full control of the football boys, makes them go and come to and from their homes as he wants to and sees fit, and controls them, rather than the superintendent of the school; that he writes the football boys about their coming back and handles the whole matter, pays the expenses out of the athletic association, and has the boys enrolled at the school simply to play football; that he believes he sells the complimentary tickets and keeps the money; that he is not a true sportsman, sending out scouts to get the other team's plays in advance and showing them to the boys, etc.

This affidavit I mark "Exhibit L."

Joseph Guyon, member of the first football team, says he has heard Coach Warner curse the football team and use profane language on the grounds of Carlisle and where they are playing football in the presence of students and spectators; that he would curse the boys and say "God damn" to them; that his influence over the boys was not good; that the boys had to take it, but they did not like it; that he has full control of the students who play football, regardless of the superintendent; the football boys do not feel that he is the proper person to have charge of them.

This affidavit I mark "Exhibit M."

John Wallete, member of the first football team, says that Coach Warner came up behind him and lashed him with a switch on one occasion when he was practicing football and had a sore shoulder, and that he has said things to the boys that lowered their reputation to the student body; that he said all they thought of was the good things to eat the football boys were getting, etc.

This affidavit I mark "Exhibit N."

Peter Calack, a member of the first football team, says he has heard Coach Warner curse the football boys on various occasions; that this occurred on the side lines when students and spectators were watching the plays; that his fare has been paid out of athletic funds, and he returned to the school, he believes, at the request of Coach Warner, who has more to do with the athletic boys than the superintendent.

This affidavit I mark "Exhibit O."

William Newashe, a former student and football player at said school, states, in substance, that he played football during the years 1909, 1910, and 1911, when he was not enrolled and no longer a student; that he came back at the request of Coach Warner; that it was generally given out and supposed that he was a student at Carlisle during those years; that on one occasion his expenses were paid back to Carlisle and that he was given \$50 worth of credit at different stores, and given a watch or souvenir medal, or something of that sort; that he has heard Coach Warner curse the football players.

This affidavit I mark "Exhibit P."

Elmer Bush, captain of the first football team, also makes affidavit that he and some of the other football boys were called over to Coach Warner's house quite recently and suggestion was made there to the boys present to get up a petition in favor of Supt. Friedman to offset the petition which had been gotten up by the student body.

This affidavit I mark "Exhibit Q."

Joseph Guyon also makes affidavit that he was called over to Coach Warner's house and suggestion was there made that the football boys should get up a petition to send to Supt. Friedman to offset the petition which the student body had gotten up.

This affidavit I mark "Exhibit R."

I also inclose statements of Glenn S. Warner, Elmer Bush, Charles Coons, and William Carlow, which were handed to me by Glenn S. Warner. These statements I attach together and mark as one exhibit, being "Exhibit S."

In connection with the affidavit of Gus Welsh, it is also worthy of mention that it was he who, as a representative of the boys of the student body of Carlisle Indian School, presented a petition, dated January 7, 1914, Carlisle, Pa., addressed to Hon. Cato Sells, Commissioner of Indian Affairs, comprising 214 names of students, and that while he was at the home of Congressman A. R. Rupley with said petition spread out before him, Rev. C. M. Diffenderfer appeared, and said Gus Welsh states that he is satisfied that Rev. Diffenderfer reported such matter at once to Supt. Friedman, which was the cause of Supt. Friedman and Coach Warner being anxious to get rid of Gus Welsh.

This petition which was delivered by said Gus Welsh to Congressman Rupley was never filed with the honorable Commissioner of Indian Affairs, but was handed to me by Congressman Rupley for my information, he stating that he had not filed said petition with Commissioner Sells for the reason that he did not desire to put on record with the department anything which might reflect on members of the student body. I now hand you herewith this petition for your information, with the understanding that it is not to be considered as being filed with this department but is only turned over for information and is to be returned to Congressman Rupley.

Attention is also respectfully invited to the affidavit of E. K. Miller, printer, at Chilocco, Okla., formerly in charge of the printing establishment at Carlisle Indian School, with relation to football boys and athletic boys being unsatisfactory as printers, interfering with the discipline of the school, being paid, etc.

This and other affidavits secured by Supervisor Brown at my request and forwarded to the Indian Office, are attached together as one exhibit, which I mark "Exhibit T."

Among other things, Mr. E. K. Miller states that:

"The athletic spirit was urged and allowed to predominate to such an extent that everything else seemed of a subordinate consideration. In fact, it was easy to imagine 'Pop' Warner the real superintendent, and never knew of his orders being countermanded; that his power after Mr. Leupp left the service was absolute.

"When it came to boys of my department joining the athletic teams, or the boys going to practice all hours and being away on trips, I had no voice in the matter. The statement so often seen that 'the Carlisle students' interest in athletics does not detract from the legitimate work of education,' that 'the time devoted to training comes out of the students' playtime,' and 'students are not allowed to neglect their studies and school work for this purpose,' are misstatements of facts, as my detailed records there will show. My work and that of others was secondary to these things.

"Reports such as the above are easily understood when it is known that the head of the newspaper reporting bureau downtown was in the pay of the athletic association. "I have often heard the superintendent extol the director of athletics and his work in such a way as to lead one to believe that that was Carlisle's important work. I have lost as many as six boys over my protests. Brought this matter up once at a faculty meeting, but the superintendent in a speech said the filling of the school was of first importance and that it was impossible to accomplish this if we did not allow students to have things more or less their own way. Both the athletic director and the director of music seemed independent of other departments."

Mr. Miller in his affidavit also states that beer wagons stopped and carried cases of beer into the homes of Mr. Nori, chief clerk; Mr. Stauffer, bandmaster; and Mr. Warner, athletic master, on the grounds.

From the foregoing, with relation to the athletic coach, Glenn S. Warner, I believe it is herein shown that by reason of his cursing and swearing at the athletic boys in the presence of students and spectators, and striking football players and various students, that his influence among the student body is not good. I believe, also, that his conduct in handling the athletics has been demoralizing to said school and has been detrimental to the teaching in the academic and industrial departments of said school, and for such reasons I believe that in the best interests of said school his services should be promptly dispensed with, and I have the honor to so recommend.

For years he has been residing in a Government house on the grounds, furnished with heat and light, with a salary of \$4,000 per annum for practically three months' service, while instructors in the trades and industrial lines who receive but a very nominal salary, from \$700 to \$900 per annum, have been compelled to pay house rent, heat and light, in the town of Carlisle, and pay their street car fare to and from the school. This also has been the cause of much unfavorable comment on the part of Government employees attached to said school.

ACCOUNTS.

I checked the books and accounts at said Carlisle Indian School and find that the same are being properly kept. The individual Indian moneys, being the funds of pupils which are deposited with the Farmers' Trust Co. of Carlisle, Pa., aggregated a total balance to the credit of said pupils at the close of business on February 12, 1914, of \$28,811.71. At the close of business on said date the balance at said bank, as given to me, was \$30,421.28, the difference of \$1,609.57 being made up of outstanding checks which have been drawn against said individual Indian moneys and not yet cashed at said bank. A list of said outstanding checks is herewith inclosed for your information and marked "Exhibit U."

The individual Indian accounts are being handled in a proper manner by the financial clerk, Will H. Miller, whom I believe to be absolutely honest and competent, and who gives proper credits to the various students for all moneys turned over to him for deposit to their credit. Likewise they are given proper credits for accrued interest on their funds from the bank, and checks drawn against their accounts are properly charged.

Some complaint has been made by various pupils to the effect that they have not been receiving interest on their moneys, and also that they had not received proper credits for moneys received, etc. I could not ascertain any foundation for such charges. It is true, however, that a good many checks and drafts for various pupils, sent to them by their parents or guardians, are made payable to Moses Friedman, the superintendent, and do not have to be indorsed, so that such moneys might be improperly converted, although I could ascertain no such instances.

I learned that complaints of the pupils had been quite general that until quite recently they had not been provided with bank books to show their balances. There are between 600 and 700 accounts of pupils' individual moneys, aggregating a total of about \$30,000. The bank probably does not feel justified in furnishing bank books showing monthly balances to each pupil, on account of the large number of small accounts, and so for about a year last past the financial clerk has been furnishing the students with little books resembling bank books, showing their balances in a like manner to a bank. These little books have been printed for the Carlisle Indian School, and resemble a bank book in every way, except that they are simply statements of the Carlisle Indian School, showing the bank balance, rather than the bank, and these books and balances are kept and made up from the books and accounts of the financial clerk, showing each pupil's balance, and where it is understood by the pupils as not being the bank's statement and balance, it is not deemed satisfactory and still questioned by various of the pupils.

This furnishing of bank books to the students showing their deposits, checks drawn against the same, and balances is an aid to the pupils in learning to keep their accounts

and a matter of just pride in being able to show a cash balance, and I believe it should be encouraged, and that the bank having such accounts should be willing to furnish bank books showing balances of all pupils.

At the close of business on January 31, 1914, the balance chargeable to Moses Friedman, superintendent and special disbursing agent, was \$41,698.10, which was made up from the balance in the following funds:

Individual Indian moneys.....	\$27, 551. 09
Miscellaneous receipts:	
Class 1.....	786. 45
Class 4.....	5, 054. 24
Indian moneys, proceeds school labor.....	363. 20
Indian school transportation in 1914.....	2, 297. 92
Indian school, Carlisle, Pa.:	
1913.....	. 62
1914.....	5, 621. 40
Purchase and transportation of Indian supplies, 1914.....	18. 72
Relieving distress and disease among Indians, 1914.....	4. 46
Total.....	41, 698. 10

The above accounts do not embrace the athletic funds, the balance of which was \$25,640.03, on February 13, 1914, and which has now been turned over to O. H. Lipp, supervisor in charge.

The outing moneys earned by various pupils are received in the first instance by Clerk Mrs. Rosa B. La Flesche, and then turned over to the financial clerk, W. H. Miller, for deposit and credit to the various pupils.

I have found also that the disciplinarian, Edward McKean, had an account which was moneys obtained by him for fines levied on various pupils for various offenses by court-martials. Since he has been at said school as disciplinarian for about a year, he has received \$58.49 as such fines, and has disbursed \$42.27, leaving a balance of \$16.22, which I suggested should be turned over to the acting superintendent.

This account of the disciplinarian I inclose herewith for your information, and mark "Exhibit V."

FALSE ACCOUNTS AND VOUCHERS PRESENTED BY MOSES FRIEDMAN, SUPERINTENDENT OF THE CARLISLE INDIAN SCHOOL, SHOWING VOUCHERS FOR WHICH RAILROAD TRANSPORTATION HAS BEEN CHARGED TO AND PAID BY THE GOVERNMENT, AND ALSO SHOWING THAT MILEAGE WAS USED WHICH HAD BEEN PURCHASED FROM THE CUMBERLAND VALLEY RAILROAD CO. FOR MOSES FRIEDMAN, SUPERINTENDENT, AND PAID FOR OUT OF THE ATHLETIC FUNDS OF SAID CARLISLE INDIAN SCHOOL BY CHECKS DRAWN BY WILL H. MILLER, TREASURER, AND SIGNED BY HIM AND BY GLENN S. WARNER, PRESIDENT, IN PAYMENT FOR SAID MILEAGE, GIVING THE DATE OF TRAVEL, BETWEEN WHAT POINTS, NUMBER OF TRAIN, NAME OF CONDUCTOR, NUMBER OF MILES USED, NUMBER OF MILEAGE BOOK, AND SHOWING RECEIPTED BILLS OF THE CUMBERLAND VALLEY RAILROAD CO. FOR SAID MILEAGE AS PAID FOR BY THE ATHLETIC ASSOCIATION FUNDS.

Cash voucher No. 113, third quarter, 1910, being traveling expenses of Moses Friedman, in the sum of \$38.71, shows that March 3, 1910, he bought one ticket, Carlisle Pa., to New York City and return, for which he paid the sum of \$8.93, as embraced in said bill. Said voucher shows that he returned from New York City to Carlisle, Pa., on March 5, 1910. On March 3, 1910, mileage book No. 125135 was used on train No. 4, Cumberland Valley Railroad, McCleary, conductor, between Carlisle and Harrisburg, Pa., for two passengers, 38 miles. The records in the auditor's office of the Pennsylvania Railroad Co. show that on March 3, 1910, mileage book No. 125135 was used on train No. 61, W. D. Shubert, Harrisburg to Philadelphia, Pa., for two passengers, and that 196 miles of said numbered mileage was pulled out of said book, the beginning number of the pulling of said mileage is 805 and the closing number is 1,000, using up balance of said mileage book. Also, on said date, March 3, 1910, mileage book No. 125300 was used on train No. 64, W. D. Shubert, between Harrisburg and Philadelphia, Pa., for two passengers, 12 miles, beginning with No. 1 of said mileage and ending with No. 12 out of said mileage book. On said date, March 3, 1910, said mileage, No. 125300, was used on train No. 124, C. W. Parks, conductor, between Philadelphia and New York, for two passengers, and 180 miles, beginning with No. 13 and pulling to No. 192 of the mileage in said numbered book.

On March 5, 1910, mileage book No. 125300 was used on train No. 7, A. L. Prizer, conductor, between New York and Philadelphia, for two passengers, 180 miles, beginning with No. 193 and closing with No. 372 miles in said mileage book. Again, mileage

book No. 125300 was used March 5, 1910, on train No. 7, Pennsylvania Railroad, H. W. Harding, conductor, Philadelphia to Harrisburg, for two passengers, 208 miles, beginning with No. 373 and ending with No. 580 mileage in said book. On same date, March 5, 1910, mileage book No. 125300 was again used on the Cumberland Valley Railroad, train No. 13, between Harrisburg and Carlisle, two passengers, 28 miles, Snodgrass, conductor.

These are the dates—March 3 and March 5—of travel by Supt. Moses Friedman between Carlisle, Pa., and New York City, and between New York City and Carlisle, Pa., as charged in said cash voucher 113, third quarter, 1910.

Mileage book No. 125135 was issued to Moses Friedman, superintendent, by the Cumberland Valley Railroad Co., February 19, 1910, and paid for on February 28, 1910, by the funds of the athletic association of the Carlisle Indian School. Mileage book No. 125300 was issued to Moses Friedman, superintendent, on March 3, 1910, by the Cumberland Valley Railroad Co., and paid for April 1, 1910, by the treasurer and funds of the Carlisle Athletic Association.

Said cash voucher No. 113, third quarter, 1910, being for the traveling expenses of Moses Friedman, superintendent, shows further that on March 17 he purchased one round-trip ticket, Carlisle, Pa., to Washington, D. C., for which he charges \$7.18. Said voucher shows that he went to Washington from Carlisle on March 17 and returned from Washington to Carlisle on March 18, 1910. The records from the auditor's office of the Cumberland Valley Railroad Co. show that on March 17, 1910, mileage book No. 125300 was used from Carlisle to Harrisburg, one passenger, 19 miles, Conductor Lynn, and was again used on March 18 on train No. 11, Harrisburg to Carlisle, one passenger, 19 miles, Conductor Wetzel.

The records in the auditor's office of the Pennsylvania Railroad Co. show that mileage book No. 125300 was used March 17, 1910, on train No. 20, A. B. Whirley, conductor, between Harrisburg, Pa., and Baltimore, Md., one passenger, 84 miles, beginning pulling with No. 638 and ending with No. 721, and said mileage book No. 125300 was again used on March 17, 1910, on Pennsylvania train No. 321, C. T. Sparks, conductor, between Baltimore, Md., and Washington, D. C., for one passenger, 40 miles, beginning pulling mileage with No. 722 and ending with No. 761.

On March 18, 1910, mileage book No. 125300, was used on train No. 320, Pennsylvania Railroad, J. W. Smith, conductor, between Washington, D. C., and Baltimore, Md., one passenger, 40 miles, beginning pulling mileage with No. 762 and ending with No. 801. Again, on March 18, 1910, mileage book No. 125300 was used on Pennsylvania train No. 21, J. H. Milstead, conductor, between Baltimore, Md., and Harrisburg, Pa., for one passenger, 84 miles, beginning pulling mileage with No. 802 and ending with No. 855. On March 18, 1910, mileage book No. 125300 was again used on the Cumberland Valley Railroad, on their train No. 11, between Harrisburg and Carlisle, one passenger, 19 miles, Wetzel, conductor. This checks out mileage used by Supt. Moses Friedman on both of these round trips, Carlisle to New York City and return, and Carlisle to Washington and return, as embraced in voucher No. 113, third quarter, 1910. This mileage book No. 125300 was issued March 3, 1910, by the Cumberland Valley Railroad Co., at Carlisle, Pa., to Moses Friedman, superintendent, and was paid for April 1, 1910, by Will H. Miller, treasurer, from the funds of the Carlisle Athletic Association.

Cash voucher No. 118, second quarter, 1912, being for the traveling expenses of Moses Friedman, superintendent, in the sum of \$19.73, shows that on October 23, 1911, said Supt. Moses Friedman charged railroad fare to Washington, D. C., from Carlisle, Pa., \$3.59. The records in the auditor's office of the Cumberland Valley Railroad Co. show that on October 23, 1911, mileage book No. 923285 was used on train No. 8 between Carlisle and Harrisburg, Pa., one passenger, 19 miles, Conductor Lynn.

The records of the auditor's office of the Pennsylvania Railroad show that on October 23, 1911, mileage book No. 923285 was used on Pennsylvania train No. 8, J. B. Hunt, conductor, between Harrisburg, Pa., and Baltimore, Md., one passenger, 84 miles, beginning with No. 822 and ending with No. 905 of said mileage book.

Again, on October 23, 1911, said mileage book No. 923285 was used on Pennsylvania train No. 11, B. E. Dennis, conductor, from Baltimore, Md., to Washington, D. C., one passenger, 40 miles, beginning pulling mileage with No. 906, and ending with No. 945, of said mileage book.

The records of the auditor's office of the Pennsylvania Railroad show that on October 25, 1911, mileage book No. 923285 was used on Pennsylvania train No. 320, C. W. Hall, conductor, between Washington, D. C., and Baltimore, Md., one passenger, 40 miles pulled out of said mileage book, beginning with No. 946 and ending with No. 985. The auditor's records of the Pennsylvania Railroad also show that said mileage book No. 923285 was used on Pennsylvania train No. 21, October 25, 1911, between

Baltimore, Md., and Harrisburg, Pa., E. E. Miller, conductor, one passenger, and that the last 15 miles of said book was used, commencing with pulling No. 986 and ending with No. 1000. Also on said Pennsylvania train No. 21, between Baltimore, Md., and Harrisburg, Pa., on October 25, 1911, E. E. Miller, conductor, mileage No. 923321 was used for one passenger, 69 miles, beginning with No. 1 and ending with No. 69 of mileage in said mileage book, making a total of 84 miles pulled by E. E. Miller, conductor, between Baltimore, Md., and Harrisburg, Pa., on train No. 21, October 25, 1911, out of mileage books Nos. 923285 and 923321.

The records of the auditor's office of the Cumberland Valley Railroad Co., show that mileage book No. 923321 was used on October 25, 1911, on their train No. 11, between Harrisburg and Carlisle, Pa., for one passenger, and that 19 miles were pulled out of said mileage book by Wetzel, conductor.

The records of the Cumberland Valley Railroad Co. at Carlisle, Pa., show that mileage book No. 923285 was delivered October 14, 1911, to Supt. Moses Friedman, and that mileage book No. 923321 was delivered to Supt. Moses Friedman October 23, 1911, and that both mileage books were paid for by Will H. Miller, treasurer, from the Carlisle Athletic Association moneys, by check No. 2720.

Cash voucher 117, second quarter, 1912, for traveling expenses of Moses Friedman, superintendent, in the sum of \$23.58, shows that he charged on September 18, 1911, railroad fare, Carlisle, Pa., to Washington, D. C., \$3.59.

The records of the auditor's office of the Cumberland Valley Railroad Co. show that on September 18, 1911, mileage book No. 723670 was used on train No. 6 between Carlisle and Harrisburg, Pa., Kuhn, conductor, for two passengers, and that 38 miles were pulled out of said mileage book.

The records of the auditor's office of the Pennsylvania Railroad show that on September 18, 1911, the same mileage book, No. 723670, was used on Pennsylvania train No. 2, between Harrisburg, Pa., and Baltimore, Md., J. B. Hunt, conductor, for two passengers, that the last 57 miles of said mileage book was pulled from No. 944 to No. 1000, inclusive. Also, on said trip between said points, on said date and on said train No. 2, the same conductor, J. B. Hunt, pulled mileage out of mileage book No. 772763 for two passengers, 111 miles, beginning with No. 474 and ending with No. 584 mileage of said book, making a total of 168 miles pulled out of said two mileage books for said two passengers between Harrisburg and Baltimore.

The records of the auditor's office of the Pennsylvania Railroad further show that said mileage book No. 772763 was used September 18, 1911, on Pennsylvania train No. 15, between Baltimore, Md., and Washington, D. C., L. W. Ragan, conductor, for two passengers, and that 80 miles was pulled out of said mileage book beginning with No. 585 and ending with No. 664.

Mileage book No. 723670 was delivered by the agent of the Cumberland Valley Railroad Co. at Carlisle, Pa., May 18, 1911, to Supt. Moses Friedman, and was paid for by Will H. Miller, treasurer, Carlisle Athletic Association, by check No. 2591, and that mileage book No. 772763 was delivered by the agent of the Cumberland Valley Railroad Co., Carlisle, Pa., July 31, 1911, to Supt. Moses Friedman, and was paid for by Will H. Miller, treasurer of the Carlisle Athletic Association, from such funds, by check No. 2627.

Cash voucher 142, second quarter, 1913, for traveling expenses of Moses Friedman, superintendent, in the sum of \$14.02, shows that November 23, 1912, he charged 143 miles mileage at 2 cents a mile to the Government, \$2.86, in going from Carlisle, Pa., to Washington, D. C., and on November 25, 1911, charged 143 miles at 2 cents a mile, \$2.86, returning from Washington, D. C., to Carlisle, Pa.

The records of the auditor's office of the Pennsylvania Railroad Co. show that on November 24, 1912, mileage book No. 269235 was used between Baltimore and Washington, W. B. Lynn, conductor, one passenger, 40 miles, and that mileage was pulled from No. 604 to No. 643. Said mileage No. 269235 at mile No. 604 shows the punch mark of Conductor C. R. Miller, who runs on the main line of the Pennsylvania Railroad between Harrisburg and Baltimore, Md., showing that said mileage book had been used between said points, although the identical mileage pulled could not be located.

On November 25, 1912, mileage book No. 269235 was used on the Pennsylvania Railroad, train No. 308, between Washington, D. C., and Baltimore, Md., H. G. Duvall, conductor, one passenger, and 40 miles was pulled out of said mileage book, beginning with No. 644 and ending with No. 683. Also, on same date, November 25, 1912, said mileage book No. 269235 was used on Pennsylvania train No. 55, between Baltimore, Md., and Harrisburg, Pa., C. W. Rhodes, conductor, one passenger, and 84 miles was pulled out of said mileage book, beginning with No. 684 and ending with No. 767.

The records of the auditor's office of the Cumberland Valley Railroad Co. show that on November 25, 1912, mileage No. 269235 was used on their train No. 13, between Harrisburg, Pa., and Carlisle, Pa., Snodgrass, conductor, and that 19 miles was pulled out of said numbered mileage book.

Mileage book No. 269235 was delivered by the agent of the Cumberland Valley Railroad Co., Carlisle, Pa., on October 19, 1912, to Supt. Moses Friedman, and was paid for by Will H. Miller, treasurer, out of the Carlisle Athletic Association funds, by check No. 3127.

For your information in connection with these trips showing mileage used, the date, number of train, between what points, number of passengers, number of miles, conductor, etc., on both the Cumberland Valley Railroad and the Pennsylvania Railroad, I inclose herewith copies of the memoranda furnished by the officers of said railroad companies as taken from the auditor's offices in the passenger department of said Cumberland Valley and Pennsylvania Railroads.

These papers I attach together and mark as one exhibit, being "Exhibit W," and invite your attention to same.

List of mileage purchased from the Cumberland Valley Railroad Co., Carlisle, Pa., and paid for by Will H. Miller, treasurer, from the funds of the Carlisle Athletic Association for Moses Friedman, superintendent, viz:

Date.		Amount.	Paid by check No.
Feb. 19, 1910	1 mileage book, No. 125135.....	\$20.00	1861
Mar. 3, 1910	1 mileage book, No. 127300.....	20.00	1914
Nov. 23, 1910	1 mileage book, No. 458767.....	20.00	2301
Mar. 3, 1911	1 mileage book, No. 671831.....	20.00	2486
Apr. 13, 1911	1 mileage book, No. 672628.....	20.00	2550
May 18, 1911	1 mileage book, No. 723670.....	20.00	2591
July 31, 1911	1 mileage book, No. 772763.....	20.00	2627
Oct. 14, 1911	1 mileage book, No. 923285.....	20.00	2720
Oct. 24, 1911	1 mileage book, No. 923321.....	20.00	2720
Nov. 10, 1911	1 mileage book, No. 923732.....	20.00	2752
Nov. 24, 1911	1 mileage book.....	20.00	2752
Dec. 14, 1911	1 mileage book.....	20.00	2801
Mar. 9, 1912	1 mileage book.....	20.00	2909
May 29, 1912	1 mileage book.....	20.00	2991
July 3, 1912	1 mileage book.....	20.00	3047
Aug. 30, 1912	1 mileage book.....	20.00	3047
Sept. 12, 1912	1 mileage book.....	20.00	3083
Sept. 21, 1912	1 mileage book.....	20.00	3083
Oct. 12, 1912	1 mileage book.....	20.00	3127
Oct. 19, 1912	1 mileage book, No. 269235.....	20.00	3127
Jan. 4, 1913	1 mileage book.....	20.00	3240
Jan. 23, 1913	1 mileage book.....	20.00	3240
Feb. 6, 1913	1 mileage book.....	20.00	3275
Mar. 11, 1913	1 mileage book.....	20.00	3293
May 16, 1913	1 mileage book.....	20.00	3378
June 26, 1913	1 mileage book.....	20.00	3405
Oct. 24, 1913	1 mileage book.....	20.00	3528
Oct. 29, 1913	1 mileage book.....	20.00	3528
Nov. 14, 1913	1 mileage book.....	20.00	3573
	Total.....	580.00	
Jan. 21, 1914	1 mileage book for M. Friedman.....	20.00	
Feb. 12, 1914	2 mileage books for M. Friedman (Nos. 497698 and 497699).....	40.00	
	Total.....	60.00	

Bills for the last three mileage books in the sum of \$60 were rendered by the Cumberland Valley Railroad Co. to Mr. Will H. Miller, treasurer of the athletic association, for this mileage purchased by Moses Friedman. I took these bills from Mr. Miller and instructed him not to pay the same. Thereafter, Mr. Miller talked with Glenn S. Warner, coach, about these bills, and the bill of George W. Shuler, detective agency, Harrisburg, Pa., which had been rendered in the sum of \$53.75, and which I had also taken, and said Warner unquestionably notified Moses Friedman that I had taken these railroad bills for mileage furnished him, and said Moses Friedman then notified the officers of the Cumberland Valley Railroad Co. at Carlisle, Pa., that he would pay for said mileage books personally. Then the officers of the Cumberland Valley Railroad Co. called me up over the telephone and requested the return of these bills, advising me that Moses Friedman would pay for the same.

Mr. W. A. Bender and Mr. Robert K. Wise, agents of the Cumberland Valley Railroad Co. at Carlisle, Pa., who have been employed with said company at said point

for many years past, both informed me that said Moses Friedman has never until now paid for any mileage or railroad transportation through their office.

I inclose herewith 32 bills as rendered by the Cumberland Valley Railroad Co. for railroad mileage furnished to Supt. Moses Friedman. The first 29 bills, aggregating mileage for Supt. Friedman in the sum of \$580, have been paid for out of the athletic association funds for the Carlisle Indian School. The latter three bills have not been paid out of such funds for the reason as herein explained.

These 32 bills I attach together and mark as one exhibit, being "Exhibit X."

This Cumberland Valley Railroad mileage is interchangeable and good over the Pennsylvania Railroad, where the same was used more extensively by Supt. Friedman than over the Cumberland Valley Railroad. His wife often traveled with him, which accounts for the pulling of mileage for two passengers in the instances as set forth.

I inclose the triplicate cash vouchers of Moses Friedman, superintendent, for his traveling expenses, as follows:

Voucher No. 113, third quarter.....	1910
Voucher No. 118, second quarter.....	1912
Voucher No. 117, second quarter.....	1912
Voucher No. 142, second quarter.....	1913

as these vouchers show Government accounts filed and payments made for transportation, when he was using mileage that had been paid for out of the Carlisle Athletic Association funds, as above shown.

I also inclose triplicate of cash voucher, No. 148, fourth quarter, 1910, of Moses Friedman, superintendent, which shows that in addition to the payments made by the Government he charged and collected \$16 additional expenses from the athletic association for said trip, which was paid for by athletic association check No. 2901.

These five cash vouchers I attach together and mark as one exhibit, being "Exhibit Y."

The foregoing I consider absolute and conclusive proof establishing the fact that Supt. Moses Friedman has presented false accounts to the Government. If I had been able to secure the numbers of other mileage books which are embraced in the \$580 worth paid for by said athletic association funds, as herein shown, for Supt. Moses Friedman, I could unquestionably have checked up other trips showing wherein he had charged up railroad fare to the Government in his accounts and used said mileage.

I took from the athletic association bill book of said Carlisle Indian School accounts rendered as follows:

Expenses of Moses Friedman, superintendent, going to and coming from New York, and while there, June 22-23.....	\$22. 00
Expenses to Washington, D. C., July 25-26, Moses Friedman, in interest of school.....	17. 00
Bill of the Daily Sentinel, Carlisle, for furnishing daily papers to Moses Friedman, superintendent, from January, 1911, to January, 1912.....	4. 50
Bill of the Central Book Store, Carlisle, Pa., Dec. 31, 1913, for Philadelphia Press for Moses Friedman, Jan. 1, 1913, to Jan 1, 1914.....	5. 72

which bills have been duly paid out of the athletic association funds.

These checks are shown in payments of said athletic association funds in "Exhibit I," to which attention is respectfully invited. These four bills I attach together and mark as one exhibit, being "Exhibit Z."

I inclose, also, bill of George W. Shuler, Detective Agency, Harrisburg, Pa., February 5, 1914, in the sum of \$53.75. This bill is rendered for services January 23 to February 1, 1914—10 days at \$5 a day and expenses, and is said to be "For services rendered to discover illegal furnishing of liquor to Indians." My private opinion is that this detective was employed by Supt. Friedman to watch me after my arrival in Carlisle. Certain it is, he rendered no service and secured no evidence with relation to the furnishing of liquor to any Indians at Carlisle. Coach Warner said that he employed this detective under instructions of Supt. Friedman.

Inasmuch as this department has a fund of \$75,000 or \$100,000 per annum appropriated, and a large number of special liquor officers whose duty it is to suppress the furnishing of liquor to Indians, which fact was well known to Supt. Friedman, I did not believe said bill to be a just and proper one, and I instructed the secretary and treasurer of the athletic funds, Will H. Miller, not to pay the same. I inclose said bill herewith for your information, and mark the same "Exhibit A-1."

CORPORAL PUNISHMENT—CRUEL WHIPPING OF JULIA HARDIN BY MUSICAL DIRECTOR CLAUDE M. STAUFFER—WHIPPING OF FOUR STUDENT BOYS IN THE LOCKUP BY DAVID H. DICKEY, OUTING AGENT—CRUEL TREATMENT BY DISCIPLINARIAN WALLACE DENNY, STRIKING BOYS WITH HIS FIST—INSUBORDINATION TO INSPECTOR LINNEN BY MUSICAL DIRECTOR CLAUDE M. STAUFFER.

It came to my knowledge that a young lady pupil at said school by the name of Julia Hardin, 18 years of age, had been whipped by Bandmaster Claude M. Stauffer. I called this young lady to the office and took her sworn statement with relation to same, which I herewith inclose for your information and mark "Exhibit B-1."

Briefly stated, this Julia Hardin is a member of the Potawatomi Tribe, about three-fourths white blood. She is 18 years of age and a bright, intelligent, good girl. Prior to coming to the Carlisle Indian School she had attended the Sacred Heart Convent near Shawnee, Okla. She is an orphan and her conduct at said school has been exceptionally good. Her teachers and every one with whom she has come in contact speak highly of her. It appears that she refused to go on an outing in the country during the summer of 1913, for her stated reason that she did not have proper clothing and did not have any trunk or suit case in which to carry her things.

Because of her refusal to go, the matron reported the matter to Supt. Friedman, who sent over Bandmaster Stauffer and he tried to induce the girl to go on the outing. She steadfastly refused, when said Stauffer returned to the office and reported the matter to Supt. Friedman and said to Supt. Friedman: "What she needs is a good straightening out. I think she should have a spanking." Supt. Friedman said to him: "Why don't you give it to her?" Stauffer said: "I will give it to her if you say so." Supt. Friedman said: "Go ahead." Then, Bandmaster Stauffer went back and talked to Julia Hardin, struck her in the face with his hand, and got a slab, or board, which Julia Hardin said was about 4 inches wide and 2½ feet long, and struck her over the head, shoulders, and back, after he had thrown her on the floor; and she says that he struck her as many as 40 or 50 times; that she was held by the matron and was on the floor while he was whipping her; also, that he spanked her with his hand before he got the stick to whip her with. She also says he threw her on the floor several times.

It appears that subsequently, the principal, John Whitwell, was called in and by kindness he induced Julia Hardin to do as was requested by the matron. She finally did go on an outing in the country after she had been put in the lockup at the school, and worked for Mr. and Mrs. Crawford in Merchantville, N. J., for \$6 a month; working in their kitchen, doing their cooking, dish washing, and washing of clothing, etc., for a period of three months, paying her railroad expenses one way.

In this connection I desire to state that a white girl who performed a like service would probably have received \$5 or \$6 a week instead of \$6 a month.

Your attention is invited to the affidavit of Julia Hardin, "Exhibit B-1," and also to her sworn statement given before the joint commission, which will be found at page No. 229.

I then called Claude M. Stauffer, bandmaster, to the office and took his statement; but prior thereto I put him under oath so that the testimony which he gave was under oath. Subsequently, he refused to sign the same and tried to substitute another statement which is attached to his affidavit and which I herewith inclose and mark "Exhibit C-1." I respectfully invite your attention to same as said affidavit gives his statement, under oath, of which actually occurred when he whipped this young lady. He admits telling Supt. Friedman that she needed a spanking and that Supt. Friedman instructed him to give her one. He admits smacking her over the mouth, spanking her, and paddling her with a stick.

The day following the giving of this testimony, under oath before me, by said Claude M. Stauffer, I called him into the office to sign this affidavit, after his statement had been put in typewriting. He refused to sign it, and handed me a two-page typewritten copy of a statement which he said he desired to substitute. Knowing, as I did, that the joint congressional committee was to be in Carlisle within a day or two thereafter, and not caring whether he signed the affidavit or not, as I would have him brought before said committee to testify, I told him that if he did not choose to sign the statement he had made before me under oath that he was excused, to which Mr. Stauffer replied: "I'll give you to understand you are not superintendent here. You can't bluff us the way you have been doing things around here." I again stated to him: "I told you that you were excused." Mr. Stauffer then got up and said: "You can't bluff anybody around here. We know you. We are onto your game. Furthermore, you are no gentleman; you are no gentleman, do you hear that?" making these remarks in a very loud and angry tone of voice, to which I made no reply.

Mr. Will H. Miller, financial clerk, was present in the room and heard this conversation and this insubordination on the part of said Claude M. Stauffer. His affidavit

with relation to this matter is inclosed herewith for your information and marked "Exhibit D-1."

Subsequently, I called the principal, Mr. John Whitwell, to the office and interrogated him with relation to the statement which Stauffer desired to insert in his affidavit, which was, in effect, that he (Whitwell) had pulled Julia Hardin up from the floor, saying that she did not have half enough of a whipping and threatened to give her more himself, and ordered her detention in the lockup over night.

These statements made by Claude M. Stauffer, Mr. Whitwell states under oath, are false. Mr. Whitwell's affidavit, which I inclose herewith and mark "Exhibit E-1" also gives his version of the whipping of this young lady, to which your attention is invited.

Said Claude M. Stauffer also appeared before the joint congressional committee and gave testimony, under oath, which is shown on page 587, et al., in relation to this matter. Your special attention is invited to this sworn statement of Mr. Stauffer wherein he states under oath that he administered this corporal punishment to Julia Hardin under Supt. Friedman's instructions; that the statements he made in the affidavit which he gave to me were true. He also admits making offensive statements to Inspector Linnen; admits slapping Julia Hardin across the mouth, pushing her over on her knees, spanking her with his hand and striking her with a stick and slapping her in the face, from a sense of duty; and when he requested instructions from Supt. Friedman about spanking this young lady, Supt. Friedman told him to go ahead and do it.

I also desire to draw attention to the evidence of Miss Rose Lyons, as given on pages 128 and 129, joint commission, showing how Mr. Stauffer procured a mandolin from a girl pupil and sold same at a profit.

I hereby charge said Claude M. Stauffer, musical director, with insubordination by his having made insulting, ungentlemanly, and offensive remarks to me, in my presence, without cause or justification, exhibiting extreme anger and a very insulting disposition. I further charge that this occurred while he was attempting to substitute a statement in lieu of the one which he had made under oath before me, which statement he desired to substitute contained statements as to one John Whitwell, principal, which said Whitwell states under oath are untrue.

(See also the sworn testimony of Principal John Whitwell before the joint commission, p. 194 et seq.)

By reason of his conduct in the whipping of this young lady, his general attitude at said school, and his insubordination toward his superior officer, I have the honor to recommend and request that his services be permanently dispensed with.

In this connection, with relation to the whipping of this young lady, Supt. Friedman directed same without just cause and in violation of the expressed wish of the department prohibiting corporal punishment.

David H. Dickey, outing agent of said Carlisle Indian School, inflicted corporal punishment on four Indian boy students, named Thomas Necklace, Charles Belcourt, Robert Nash, and Charles Williams, ranging in age from 17 to 23 or 24 years; that he whipped them in the jail on the grounds at Carlisle while he was acting as disciplinarian during the winter of 1913-14. He whipped these boys with a trunk strap, after having made them stoop over in a reclining position, holding their hands over a stationary washbowl, giving them in the neighborhood of 50 lashes, or strikes, apiece. During this whipping there were present, besides Mr. David H. Dickey, who administered the punishment, Coach Warner, Bandmaster Stauffer, John M. Rudy, and Mr. Dietz.

It appears that Coach Warner and Bandmaster Stauffer were present in the jail when this whipping was administered to see that it was properly done, and it appears that Coach Warner commanded the boys to put their hands over the washbowl and bend down to receive the punishment.

So, again, it appears that Bandmaster Stauffer was lending his presence and support in the whipping of four young men students in the jail at said institution, and Coach Warner was also lending his presence and support, and compelling the boys to stoop over so that they could be properly thrashed.

This affidavit of Mr. David H. Dickey I mark "Exhibit F-1."

I have the honor to recommend that Outing Agent David H. Dickey receive a reprimand and be instructed to inflict no further corporal punishment on the students of said Carlisle Indian School.

Assistant Disciplinarian Wallace Denny, who has charge of the smaller boys' dormitory and who is a Chippewa Indian from the Oneida (Wis.) Reservation, has on occasion struck some of the boy pupils with his fist and knocked one boy down a stairway, cut one boy over the eye with his ring by striking him in the face. My judgment is that he should receive a reprimand and be instructed not to strike the students with his fist.

The testimony of some of the pupils, particularly that of Lewis Braun, at page 63, volume 1, joint commission testimony, complains about Disciplinary Denny striking the boys with his fist.

COMMITMENT OF STUDENTS TO THE COUNTY JAIL AT CARLISLE, PA., FOR TRIVIAL OFFENSES, AND IN SOME CASES HAVING THEM SENTENCED UNJUSTLY AND IN VIOLATION OF LAW.

Some of the pupils, both boys and girls, have on several occasions been confined in the county jail of Cumberland County, Pa., at Carlisle.

I desire to draw your particular attention to the case of Paul Jones and Ethel Williams, who during the month of September, 1913, were placed in the said county jail and remained there for a period of 70 days.

Paul Jones is about 20 years of age. He is from the Umatilla Reservation, in Oregon, and arrived at the school at Carlisle February 1, 1912.

Ethel Williams is 18 years of age and from the Onondaga Reservation, R. F. D. No. 5, Syracuse, N. Y. She arrived at said Carlisle School in November, 1912.

These children were charged with fornication by E. E. McKean, disciplinarian at said school, on September 20, 1913, who swore to such a complaint before a justice of the peace, under instructions from Supt. Friedman. These children were then removed from the jail on the school's grounds at Carlisle to the Cumberland County Jail, Carlisle, and placed in charge of the sheriff, Mr. Walters. Paul Jones was brought to the county jail in Carlisle from the school with no coat or vest.

An incident under said charge was prepared by the district attorney, but was never signed by him. These children were never brought into court, but were induced by the district attorney to enter pleas of guilty in the county jail, as I am reliably informed by Disciplinary E. E. McKean. They were induced to enter pleas of guilty, so Mr. McKean says, in order that they might commence serving their sentences right away, and thereby be enabled to get out of jail earlier.

The judge, in his own handwriting, put this statement on the back of each of these unsigned indictments:

"And now, 23d of September, 1913, the sentence of the court is that defendant shall pay the cost of prosecution and to suffer imprisonment for 60 days and remain committed in the county jail until this sentence is complied with.

"By the court.

"W. F. SANDERS, P. J."

I have the original court papers in these cases in my possession and herewith file true copies thereof for your information, which four papers I attach together and mark as one exhibit, being "Exhibit G-1," and respectfully invite your particular attention to same.

The laws of the State of Pennsylvania provide that the crime of fornication is a misdemeanor and not a felony, punishable by a fine and not imprisonment; therefore, the sentence inflicted upon these pupils was without warrant or justification in law and in direct violation of the statute of the State of Pennsylvania.

Furthermore, Paul Jones was brought to said jail handcuffed like a criminal, after he had been held in the school jail for three days. He was brought there without a coat or vest and remained in said jail for a period of 70 days, without any change of clothing whatever and without having been visited by any person from the Carlisle Indian School. He was turned in among a lot of hardened criminals, negroes, and jail birds, in a filthy, insanitary jail that is alive with vermin, and made to associate with these criminals for a period of 70 days.

The girl, Ethel Williams, fared better, because of the fact that the sheriff's wife, Mrs. Walters, appears to have had a kind heart and took Ethel into her house and let her assist her in doing the housework, so that she was not compelled to remain among the criminals in the jail very much of the time. After the 60 days' term had expired these children were compelled to remain from 7 to 10 days longer in said jail.

I inclose herewith three pictures taken in said Carlisle jail on November 27, 1913; one being a picture of Paul Jones; one of Ethel Williams, and one taken of a group of the persons in said county jail at that time. These three pictures I attach together and mark as one exhibit, being "Exhibit H-1."

After being taken out of jail, these pupils were sent home.

There are numerous other instances where pupils of the Carlisle Indian School have been incarcerated in the county jail at Carlisle, Pa. On one occasion Principal John Whitwell took a boy pupil from the school down town and had him arrested, under instructions from Supt. Friedman, and charged him with petit larceny for stealing pies from the bakery. The boy was kept in the county jail for 30 days, as he now remembers.

Another case that came under my observation was that of Charles Kelsey, a Winnebago Indian boy, about 23 years of age. He is a bright, capable, good boy generally, but about the time of my arrival he procured some whisky from some bootlegger in Carlisle and became under the influence of it, and thereafter had an altercation with Disciplinary E. E. McKean, in which he struck McKean over the head with a skate, cutting him quite badly. Said Charles Kelsey was placed in the jail on the grounds, and the next day removed to the county jail at Carlisle and a warrant of complaint sworn against him by Disciplinary McKean, at the request of Supt. Friedman, charging him with assault.

I visited this boy in the county jail and found him to be very penitent for his act which he had committed while under the influence of liquor; found that he had no bad feeling toward Disciplinary McKean and was very anxious to get out of jail; said he would apologize publicly before the whole school, sign a pledge, and give his word of honor not to touch another drop of liquor. I felt that this boy was sincere and truly penitent, and believing it might be the turning point in his life for good to give him another chance, I requested that Disciplinary McKean withdraw his charge and return the boy to the school and let him apologize publicly before the student body and give him another chance. To this request Disciplinary McKean was heartily in accord and bore no ill will toward the student, knowing that the whole matter had been occasioned by reason of his having been under the influence of liquor.

This student was returned to school, did publicly apologize, and I feel that his conduct henceforth will be exemplary, and that this will be the making of this boy, while if he had been compelled to serve a sentence and expelled, as was the expressed wish of Supt. Friedman, no good would have resulted to him.

There have been numerous cases where pupils have been incarcerated in said county jail for trivial offenses, when such cases should have been taken care of by the superintendent at the school, and the pupils should have been properly disciplined there. The jail at the school is sanitary, heated by steam, lighted by electricity, clean, provided with running water and all conveniences, with concrete floors, and in every respect a much more desirable place to confine and discipline students than is the county jail, which is extremely filthy, insanitary, filled with vermin, and the association of these students with hardened criminal and negroes in a filthy, dirty jail is anything but good and elevating, and, in my judgment, should not be resorted to except in extreme cases.

Again, it appears that in other instances where boys at the school have gotten drunk and where they have broken into the dormitories in the girls' building and have debauched them, that no such severe punishment was inflicted or meted out to them, thus showing that no justice has been shown in these cases; that a boy would be thrown into the county jail, made to serve a sentence of 30 days, and expelled from school for stealing pies when he was hungry and ill fed at said school, and then they would minimize the offenses of boys who met girls improperly and debauched them.

I might here add that this is one of the injustices that has caused the student body to rebel; they felt that some of their members leaders of the boys and girls, were expelled or sent home unjustly because they had criticized the school or taken a leading part in getting up petitions to have said school investigated, while others, guilty of these serious offenses, went unpunished.

In consideration of the foregoing, I believe that Supt. Moses Friedman has been guilty of gross injustice to members of the student body by having them placed in the county jail and made to associate with criminals, and in some cases in direct violation of law and the statutes of the State, and I believe that Judge Sanders, who rendered such unjust and unwarranted sentence against Paul Jones and Ethel Williams, in violation of the statutes of his State, is wholly unfit to be dignified with the position of judge.

THE DINING ROOM—LACK OF SUFFICIENT FOOD FOR THE PUPILS—LACK OF NECESSARY DISHES, KNIVES, SPOONS, CUPS, ETC.—LACK OF CLEANLINESS IN THE KITCHEN—COMPLAINT OF THE STUDENT BODY GENERALLY THAT THEY DO NOT HAVE SUFFICIENT QUANTITY OF FOOD, ETC.

Shortly after my arrival at Carlisle Indian School, I visited the dining room and investigated conditions there. Subsequently, during my stay at the Carlisle Indian School, I visited the dining room as many as 15 times while the pupils were eating their meals. On my first few visits I noticed that there was a lack of sufficient food for the students. Many of them complained to me that they did not get enough to eat. This complaint was made to me at various times by as many as 400 pupils of said student body. I made it a point to go from table to table in the dining room to look over conditions and talk with the pupils. The complaint was general that they did

not have sufficient food—until I had made two or three visits to said dining room, when they commenced telling me that they were now getting more to eat.

In the first instance, the students complained of not having enough bread. One plate of bread, containing from 10 to 14 slices, would be placed on each table, which was occupied by 10 pupils. A second helping, or plate of bread, was not furnished, but the one plate of bread would have to suffice; consequently, many pupils got but one slice of bread. They held up their plates and called in vain for the second helping of bread. The complaint was general among the students that they did not have sufficient bread to eat.

The students were given one helping of bread, a little oatmeal, which amounted to five-eighths of an ounce per pupil, served without milk or sugar, a cup of weak coffee (2 pounds to the 100 ration) of an inferior grade, which was colored with a little milk and in which a small but insufficient quantity of sugar was placed. For breakfast, generally, beef was served which was cooked by steam in a large kettle. For dinner, generally, bread and gravy, prunes, water, and sometimes a little meat. For supper, tea, gravy, bread. This was practically the ration served at the time of my arrival, except that pupils would be given an insufficient quantity of sirup twice a week, gingerbread once a week, and pie on Sunday.

Shortly after my arrival they commenced baking more bread and serving more bread to the pupils, so that they could get a second helping. They also furnished them with some rice or beans. Potatoes were served twice a week, generally on Wednesdays and Sundays; butter once a week. When sirup was served twice a week one little pitcher of same would be placed on each table for 10 persons. There was just about enough sirup to supply five or six of the pupils and the balance went without. There were practically no vegetables served; no milk or eggs; butter once a week; no cookies or doughnuts.

The pupils began getting more to eat after my arrival, and hundreds of them stated to me that they were so glad that I came, because they were getting more food. On many of the dining-room tables, when I first arrived, there were no spoons. On many tables I noticed a lack of four to six knives out of 10 places set; five or six cups for 10 pupils to drink out of; some of the pupils would have to wait until their next neighbor at the table got through using his knife so that they could borrow same to cut their meat; many times two pupils were drinking out of the same cup. Napkins appear to have been furnished once or twice a week, but were seldom used by the pupils and no attempt was made to teach them table manners. Hundreds of the students told me that many, many times they had gone away from the table hungry, and that they had been compelled to go to restaurants down town and to purchase from the bakery wagons, with the little change they had, pies, cookies, doughnuts, and other food, because they were hungry.

Shortly after my arrival and first visits to the dining room, when the students got through their meals and left the dining room there would not be a scrap of anything left to eat on the tables and many went away hungry—so they informed me. In this connection I desire to refer to the testimony of 14 of the pupils of said student body who testified before said joint commission, as embraced on pages 26 to 163 of the hearings before the joint commission, "Exhibit A," and particularly to the testimony of Alvis Martin, contained on page 57 et al. These pupils represented the student body in their complaints.

But 6 acres at said school are used as a school garden, and the vegetables raised therein are mostly for summer use, green stuff furnished to the tables in the summer time, when the majority of the pupils are absent.

About 1,000 bushels of potatoes were raised at said school for the present fiscal year, and by the middle of winter there were no vegetables for use at said school to supplement and assist in the regular ration furnished. Instead of having 6 acres in the garden they should have from 60 to 100 acres; and instead of raising 1,000 bushels of potatoes, raise 10,000 or 12,000 bushels; 8,000 or 10,000 heads of cabbage; several thousand bushels of beets, carrots, rutabagas, onions, turnips, and other vegetables that will keep for winter use. This would help out the ration greatly.

The dairy herd should be increased so that the pupils could have milk to drink occasionally and have butter oftener than once a week; likewise the raising of poultry should be encouraged, so that some eggs could be supplied to the pupils.

Many pigs are raised at said school, and since October, 1913, 97 hogs from said school have been sold and the proceeds deposited in class 4 funds, instead of these pupils getting some of the pork to eat and having the benefit of the lard for cooking purposes, making doughnuts, etc. The money derived from the sale of these hogs is not used for the table.

There is no fruit raised at said Carlisle Indian School; no instructions given to the pupils in horticulture; no small fruits or apples, which could and should have been

raised, have ever been provided for said pupils, to say nothing of the teaching and instructions which would be thus afforded.

I am firmly convinced that the ration furnished by the Indian Office is insufficient to cover the needs of this school at the present time, because there are no fruits or vegetables, milk, butter, eggs, pork, or lard to assist in said Government rations. The pupils of this school are generally grown-up men and women who are healthy, vigorous, and active in their work and play and require fully as much or more of a ration than does the ordinary person.

The former ration of 110 pounds of flour for 100 rations has been reduced to 90 pounds. The beef allowance has been cut down from 110 to 85 pounds per ration, and the ration as a whole is insufficient. There is not enough tea, coffee, or sugar allowed for 100 rations.

I noticed that no soup was served to the pupils in the dining room, and observing the vast number of bones from which some meat was being cut for hash, I wondered what was becoming of the soup stock, there being quite a large amount of meat left on the bones, which I learned was being thrown away. This soup stock was not being used because of the lack of soup bowls, and a great deal of nourishment was being wasted which the pupils would have been very glad to have.

At times during the serving of meals there is no man-disciplinarian in the dining room.

The assistant cook, Mrs. Sadie A. Richey, only receives \$360 a year. She is a good, hard-working woman; admitted that the pupils complained often that they did not have enough to eat; were not getting enough bread; she believes that improvements could and should be made in the cooking; that it should be better and more cleanly; that the kettles are not kept clean; that the boys in the kitchen are not taught cleanliness, etc.

This assistant cook should receive an increase in salary, and I have the honor to so recommend.

The daily ration for pupils amounts to:

Four-fifth ounce of rolled oats, with no milk or sugar.

Seventeen-twentieths pound meat.

Nine-tenths pound flour.

1 pint sirup for 12 pupils.

2 pounds coffee for 100.

One-seventh pound onions.

Three-fourths pound potatoes.

One-half ounce butter.

When it is considered that they do not even get all of this ration and only get potatoes twice a week, butter once a week, sirup twice a week, onions occasionally, with occasionally some beans, rice, dried apples, and without any vegetables to supplement this ration, it can readily be seen that same is not satisfactory.

During the training season the athletic boys have a separate cook, separate tables, plenty of good food to eat, which is served in the dining room with the other boys, and is a further cause for complaint by the many students who are not receiving such good fare.

I am firmly convinced that in order to have a happy, contented, well-disciplined lot of pupils they must be better fed, and not go away from the table hungry and disgruntled and not be compelled to use their scant means in the purchase of food or have a school of this character charged with not properly feeding the students, as could now be very properly charged.

The large kettles, or stewpots, in which most of the cooking is done in the kitchen were covered with grease and dirt, and the kitchen, also, was lacking in cleanliness. I called the attention of the cook to this latter and had these pots and kettles and the kitchen scoured and cleaned and put in order.

I also drew the attention of the dining-room matron, Miss Susan Zeamer, to the lack of sufficient cups, knives, spoons, and dishes, and had her make requisition for the proper number. I also condemned and had carried from the dining room quite a large number of large porcelain pitchers which were cracked and chipped and were unsightly and insanitary and had them replaced.

Mrs. Zeamer admitted that the children often complained that they did not get enough to eat; that they complained they did not get enough bread many times; that they did not have enough fruit; that the gravy did not reach, and that they did not get enough meat. She stated that she went to Mr. Kensler, the quartermaster, for cups, spoons, knives, forks, etc., but that he would not give her enough. She said that she believed that was the cause of bad discipline in the dining room; that many times some of the large boys got up and went out to a store to get their meals. She said the pupils did not even have eggs on Easter Sunday for the past two years; that

they never got any eggs, cookies, or doughnuts; no ham or bacon. She complains that they need more and better dishes and a better dishwasher. She says the table linen is changed twice a week; there are not enough napkins to go around, and she admitted that the pupils were getting more to eat after my arrival; that they bought lots of food from the bakery because they were hungry.

The superintendent, Moses Friedman, rarely ever visited said dining room to acquaint himself with these conditions, and his absolute neglect in this connection is inexcusable and indefensible. This is but another instance of his lack of interest in the welfare of the student body; lack of humanity when these poor students were clamoring for bread and enough to eat.

I have the honor to recommend that the rations for this school be increased sufficiently to properly feed these pupils until such ration may be supplemented with vegetables raised from the farm and garden, as should have heretofore been done.

I also recommend that the dairy herd be increased so that the pupils may have milk occasionally and butter oftener than once a week; also that the poultry be increased so that the pupils may have eggs occasionally; and that instead of selling the pigs fattened at said school, at least half of same be used on the tables for the benefit of the pupils, as well as the lard used for cooking purposes.

DORMITORIES—LACK OF PROPER MATTRESSES, TOWELS, ETC.—BOYS BREAKING IN GIRLS' DORMITORIES—LACK OF PROPER NIGHT WATCHMEN, ETC.

I visited all of the dormitories and made a careful inspection of every room and bed in said dormitories.

These dormitory buildings are cut up into small rooms in which there are three or four single beds, occupied by three and four students. These are old single beds without any bedsprings, but, instead, iron slats. Over the iron slats were placed mattresses, the majority of which had been in use three to six years and were worn down so they were about an inch in thickness and hard almost as the floor. These mattresses placed over the iron slats made a very hard bed, indeed, and there was great necessity for doubling up on these old mattresses or putting new mattresses over the old ones, or entirely condemning the old ones. I had quite a number of old mattresses condemned and replaced with 80 new ones from the commissary, being all the mattresses which were on hand. There is a great necessity for 250 to 350 new mattresses to fix up these beds.

In a few instances complaint was made by some of the pupils that they did not have sufficient blankets or covering. The bed linen is changed one sheet a week, one new sheet being furnished and the top sheet being placed on the bottom for the second week; one change of pillow slips a week; and the pupils have been furnished with one towel a week, which had to suffice for their bathing as well as other use—this in the face of the fact that there are a large number of bath towels in the quartermaster's department which could have been had by making proper requisition.

I respectfully submit that one towel a week is not sufficient for these pupils, and that there should be a complete change of bed linen once a week at least.

Some of the rooms in the dormitory buildings were kept none too neat or clean. This was especially true in the girls' dormitory building.

I desire to call particular attention to the lack of proper fire escapes on the girls' dormitory building. While there is an opening or place fixed to slide down on poles on the porches from the third to the second stories, there is no opportunity of escape from the second floor of said building except by the stairways, which, in case of fire, would become congested and undoubtedly a large loss of life occur. I believe that special provision should be made to provide proper fire escapes for this building.

It may be that the reason this has not been done heretofore has been because of the opportunity it might afford the boys to enter the girls' dormitory building.

In this connection I desire to say that it is my best judgment that a couple of competent white men should be provided as night watchmen at said school; that this is one of the crying needs of said institution; that the lack of having had such proper watchmen on these grounds has been the cause of much immorality, lack of discipline, boys breaking into girls' dormitory, etc.

Heretofore these grounds have been policed at night with a detail of the boy pupils. Such guards were changed two or three times each night, and these student guards would allow their friends to go and come at their pleasure. Thus it would be that when taps were sounded an inspection of the rooms might disclose that all of the boys had retired, but in 10 minutes thereafter they might be up and dressed and go downtown in Carlisle, obtain whisky, return to the grounds under the influence of liquor, bring liquor on the grounds, break into the girls' dormitories, and do things which could not obtain under a proper guard of night watchmen who would enforce strict discipline.

In the boys' dormitories I noticed the knobs off a great many of the doors; many of the rooms were untidy; the boys said they bathed whenever they saw fit; there was no one to enforce their bathing once a week or oftener; that they were furnished with one towel a week and one sheet changed on each bed. Some of the boys complained they did not have enough blankets.

In the small boys' dormitory four boys generally occupied a room, and the stove to heat the water in the tank for bathing was too small to provide sufficient hot water for bathing purposes during the winter months.

I desire also to call attention to the fact that for the past two years none of the suits of clothing from the small boys' dormitory has been brought to the tailor shop or sewing room for cleaning or repairing. There was no one to see to the gathering up of this clothing or having it properly repaired, and I am reliably informed that many good suits have been condemned and sold as old rags. This great waste in clothing should be stopped and the pupils' clothing should be repaired and cleaned.

This lack of proper mattresses for the beds, lack of proper changes of bed linen, the use of one towel a week, lack of having the boys' suits cleaned and repaired, lack of proper fire escapes on the girls' dormitories, and the lack of proper night watchmen on the grounds is but another instance of neglect and indifference on the part of Supt. Friedman to look after the proper conduct and management of such school.

AGRICULTURE, OR RATHER LACK OF AGRICULTURAL TRAINING, DAIRYING, GARDENING;
POULTRY RAISING, HORTICULTURE, ETC.

The Carlisle Indian School is supplied with two farms; one containing about 160 acres and the other about 110 acres; also a garden tract of 6 or 7 acres.

William B. Gray, one of the farmers, has been employed at said school for about 20 years. Last year he had planted on the farm he has charge of, 48 acres of wheat 28 acres of corn; 21 acres of oats; 9½ acres of potatoes. The wheat raised, 973 bushels, was sold; the corn and oats were used, or are on hand; a little over 1,100 bushels of potatoes were raised, of which he is keeping 120 bushels for seed, leaving about 1,000 bushels for the school. He raised 195 chickens and has 90 on hand, having killed 160 for Christmas dinner. He worked 4 horses and 4 mules. He now has a detail of 2 boys in the morning and 1 in the afternoon. In the summer time he needs 9 to 12 boys, especially at harvest time, but he is handicapped, he says, because they do not send him enough boys. During the summer season he does not have enough boys detailed to properly do the work. The same boys are not generally sent long enough to learn anything. Usually he has sent boys who have been failures in the shops and they are sent out to work on the farm as a kind of punishment. He says there is not enough interest taken in farming; that it is a secondary consideration; that he could teach a large number of boys improved methods and instruct and help them if he had a proper detail, but they will not send them to him. He states that in October, 1913, an Indian boy by the name of Anthony Spottedhorse attacked him and he struck him with a club and broke his arm.

The other farm, containing about 110 acres, is in charge of Olive K. Ballard, who is a recent arrival, having only been in charge of said farm for about four months. He states that when he took charge of the farm all of the crops for the year 1913 had been harvested, excepting a few potatoes. On this farm the hogs are raised. At the present time there are 113 hogs and pigs, 51 of which are small pigs; 46 of them are shoats. Since October, 87 hogs have been sold. About four boys have been detailed to him each half day.

On said farm they have been raising corn, wheat, alfalfa, timothy, and a few potatoes. Since he has been here he has never had any instructions from Supt. Friedman. He was advised by Mr. Kensler, the quartermaster, that he was running the farm and to do what he considered best and planned what he thought was best on the farm. There are about 150 tons of silo on the place. The dairyman lives on this farm, also.

Mr. W. J. Ryan is the dairyman. He came to said school in September, 1913, and claims that he was unjustly treated by Supt. Friedman three days after he arrived, and was reprimanded by him for not getting more milk from the cows. He states that he was not furnished with a sufficient detail of boys to do the work, and that the boys sent to him on detail were those sent for punishment and discipline. He complains that the boys have broken into the milk house and taken the cream and milk because proper locks have not been furnished to him.

February 4, 1914, Dairyman W. J. Ryan addressed a letter to me detailing conditions and making complaint, and inclosing two dairy reports; one for the week ending August 27, and the other for the week ending September 3, 1909, said dairy reports showing that Supt. Friedman had received milk and butter from the dairy.

This letter, with reports attached, I inclose for your information and mark "Exhibit II."

George Abrams is the florist, having been employed in said school for about 15 months last past. He states he has about 6 acres in garden; works five and six boys each half day, could work more to a good advantage, but in the summer time when he wants them he can not get them. They are all out working. He has to get girls to pick peas, beans, etc. He states he should have ten times as large a garden and raise much more for the winter months, such as cabbage, beets, turnips, carrots, and other vegetables; that all the vegetables raised are now gone. He states that a large garden would furnish instructions for a large number of boys, and that those boy pupils are needed here for gardening, farming, and instructions, as bad or worse than they are needed by the farmers where they go. He could use 30 to 50 here and give them instructions in gardening; he could also raise small fruits, apples, pears, strawberries, raspberries, etc. He says that in the summer months he does not have a sufficient detail of boys to do the work on the grounds in a proper manner.

Up to a few years ago there appears to have been a department at said school devoted to instructions along agricultural pursuits, but same appears to have been abandoned some two or three years ago, and no instructions are now given the boys as to agriculture. It is the opinion of the gardener, both farmers, and the dairyman that the boys detailed to the farms, gardens, and dairy have been made to feel that they were being punished and disciplined; that a sufficient detail has not been given them to do their work in a proper manner, to say nothing of giving the boys proper instructions; that during the summer months when they need help, they do not have a sufficient detail of boys for even the crops which they have been raising, such as wheat, oats, corn, etc.

Intensified farming should be carried out and instructions along agricultural lines should be given the boy students, and they should be made to know and to feel that farming is an honorable employment. They should be taught that it is of first importance to them to understand agriculture along its various lines. I have the honor to recommend that such teaching be given.

Most of these boy students have allotments and farms at home and the majority of them will have to depend on farming for a livelihood. Thus, they should be given instructions in agriculture, stock raising, dairying, gardening, etc., which has been almost wholly neglected at this school.

As heretofore stated, 60 to 100 acres should be used for a garden, and at least 50 boys be given instructions and employment in such garden, and a large amount of vegetables be raised for the benefit of the school. Intensified farming and the raising of crops other than wheat, oats, corn, rye, etc., should be carried on on these farms, and the better portions should be selected for the good gardening. Horticulture should be encouraged, fruit trees and small fruits set out, and the boys given instructions and encouragement along these lines also. Same is true as to the dairymen. The herds should be increased and an interest created among the boy students in farming, gardening, dairying, stock raising, horticulture, poultry raising, etc.

Instead of these boys being sent out under the outing system of Carlisle at a nominal wage, usually from \$12 to \$15 a month, they should be employed and instructed along agricultural lines and gardening at said school, when they have come there for that purpose.

These farmers who employ these outing students generally are not philanthropists, and their whole idea is to get these boys to work for them because of the cheap wages paid them, which generally amounts to about one-half what they would have to pay a white man for the same work.

If these farms were divided up into 5 or 10 acre tracts and a sufficient detail of boys put in charge of each small portion and they be encouraged by giving them one-third of the value of the crop raised, it would create an interest in agriculture and each detail would strive to outdo the other, which would result in good work and instructions in intensified farming, and the two-thirds which the school would obtain as the result of such work would undoubtedly greatly exceed the proceeds which have heretofore been obtained from said farm. At the same time it would encourage the students and give them something to work for. This method has been successfully employed elsewhere and could be here.

This lack of interest and almost absolute neglect on the part of Supt. Moses Friedman along agricultural lines, dairying, and stock raising is but another illustration of his utter disregard of the proper teaching of these pupils, and shows his incapacity and failure to properly instruct these Indian pupils along proper lines.

In his annual reports he lays special stress on instructions which he gives to students in agriculture. He says they are given most practical and comprehensive training, etc., which is absolutely disproven by the statements of the farmers, gardeners, dairymen, and pupils themselves.

ACADEMIC WORK—STUDENT BODY—PRINCIPAL OF SCHOOL—GENERAL CONDITIONS.

The total number of pupils enrolled at said school is 816, of which number 492 are boys and 324 girls.

The number of outing pupils is 160, of which 73 are boys and 87 are girls. The number of deserters at present, 1 boy; number on leave, 7; 6 boys and 1 girl; number enrolled with less than one-half Indian blood, 133; number enrolled with less than one-fourth Indian blood, 13; number of graduates in attendance, 6, being 4 boys and 2 girls; number of pupils who have attended public school prior to coming to Carlisle, 234; number of pupils who have public school facilities at home, 245; number of pupils who live over 2 miles from public schools, from the present list, 225.

Twelve of the 18 boys and girls who will graduate next year with public school facilities at home, are: Edward Morrin, William Thayer, Kenneth King, Hiram Chase, Arnold Wilkey, Lillian Walker, Minnie Charles, Minnie O'Neill, Bessie Gilland, Nettie Kingsley, Naomi Greenskey, and Eva Williams.

Fifteen of the 18 boys and girls who will graduate this year have public-school facilities at their homes.

Out of the 13 pupils enrolled at said school who have less than one-fourth Indian blood, two have been authorized for enrollment by the honorable Commissioner of Indian Affairs, as follows: May Beck, Cherokee, one-eighth Indian blood; Addie Hoderman, Assiniboine, one-eighth Indian blood.

These students whose names are listed below were transferred to Carlisle by agencies and school superintendents without any specific authority: Oliver Gregory, one-sixth Chippewa, 1911; Colder Lamoreaux, one-eighth Sioux, 1911; Miguel Little, one-eighth Apache, 1910; Lewis Little, one-eighth Apache, 1910; Lewis Palin, one-eighth Flathead, 1910; Susie Lacy, Chippewa, 1911; Anna Roulette, one-eighth Chippewa, 1907; John Bouchard, one-eighth Kootenai, 1911; Ella Cueller, one-eighth Shawnee, 1913; Anna Loren, one-eighth Mohawk (New York State), 1909; Delia Edwards, one-eighth Onondaga (New York State), 1909.

From the foregoing, it will appear that 245 of the present pupils enrolled at Carlisle have public school facilities at home, and that there are at present 234 pupils in said school who have attended public schools prior to going to Carlisle. In many instances pupils enrolled there have been in attendance at public schools in towns and rural districts for several years. In a good many cases these pupils are the children of well-to-do mixed breeds, who have made their homes in towns and cities adjoining reservations, and in many instances their fathers are successful business men and ranchers, with public-school facilities at their homes.

The question arises, why then should these pupils be taken from their homes where public-school facilities are readily obtainable, and from parents who are well capable of caring for them, brought to Carlisle at an expense to the Government, and, in a large number of cases, farmed out under the outing system to farmers and housewives and there given public-school facilities for a period of 75 or 100 days a year that are probably no better in the majority of instances than the pupils have at their homes?

In response to my request, the principal teacher, Mr. John Whitwell, furnished me with a list of students who have been expelled or dropped from the rolls, showing within a short period that 22 pupils have been expelled and quite a few others sent home or dropped from the rolls. This list shows that the records have been falsified in many instances. The report of Mr. John Whitwell shows how this was done. I inclose said data herewith for your information, which I mark "Exhibit J1."

The number of pupils under 14 years of age who are now enrolled at said school are 18, being 13 girls and 5 boys.

Inspector McLaughlin's report on the Carlisle School, dated November 26, 1910, shows that 91 deserters were carried on the pupils' roll of said school and given credit for the full time and attendance, although they had been absent from the school for periods ranging from two months to as long as two and one-half years.

In Supt. Friedman's letter, dated January 23, 1911, he states:

"We have aimed constantly, and by every possible effort, to keep our rolls clean and have them based on records."

He also stated in said letter:

"There are being dropped to-day the names of 101 students, including all deserters, which reduces our attendance to 943," etc.

In February, 1911, only about a month after this office had given instructions to Supt. Friedman to drop deserters who had been absent from the school 30 days, Supervisor Charles F. Pierce made a careful examination of the attendance records of said school and found that 186 pupils who were marked as being "on leave" and "runners" were carried on the attendance reports and given credit for full time and

attendance, although they had been absent during periods ranging from a few months in length to as long as five years.

This report of Supervisor Pierce shows that credit was taken for approximately 22,000 days' attendance, not a single day of which had actually been earned. In other words, the attendance rolls have been padded to the amount of over 22,000 days.

The normal teacher, Mrs. Lydia Kaup, stated to me that the superintendent had not encouraged the employees, but had hindered the progress of the academic work. She stated that he did not use good judgment and that the scholars received no individual attention; that she had over 100 pupils in her schoolroom and could not do justice to them; that the pupils were not being treated fairly; that the discipline was poor and too lax, and not up to the standard of what it used to be; that no support had been received in the academic department; that the employees had no respect for the superintendent and did not fear him; that athletic sports, receptions, dances, etc., interfere with the academic work and unfitted the pupils for such work.

Mrs. Kaup also gave testimony before the joint congressional committee, which is contained on page 323, to which attention is invited.

Mrs. Emma C. Lovewell, teacher, stated to me that there was very much dissatisfaction among the pupils; that the discipline was very bad; that the employees were not encouraged, and that the academic work received no encouragement or support; that the pupils dislike the superintendent very much; that his action in expelling Sylvia Moon and other pupils greatly angered the student body; that the superintendent is unjust to employees and pupils. She stated that he had been insulting to her and abused her shamefully. She does not approve of putting the pupils in the county jail. She states that many pupils have complained to her that they were hungry and did not get enough to eat; that there never was enough bread; that Supt. Friedman had shown favoritism toward employees; that he had lost all prestige among the pupils and the best employees; that pupils afflicted with trachoma had been sent as outing pupils to various homes.

Mrs. Lovewell also testified before the joint commission. See her testimony at page 470.

Miss Hattie M. McDowell, teacher, stated to me that the employees of the school felt that Supt. Friedman had not dealt justly with them or with the pupils; that he had not the welfare of the students at heart; that he had no interest in the school, pupils, or employees; that he is just busy advertising himself and does nothing for the general good of the school. She stated that if it had not been for Principal Whitwell the school could not have stood up so long. The school and academic work is of secondary importance. Everything is done for show and to make a good appearance. The band, football, commencement exercises, and improvements of the buildings are the things which have received consideration and attention, and the essential things have been neglected; total neglect in the agricultural department and gross misrepresentation in the catalogues and advertisements sent out by said school; that the pupils were all up in arms against the superintendent; that they had complained to her repeatedly that they did not get enough to eat; that Principal Whitwell had been shamefully treated.

Miss McDowell also testified before the joint committee. See her testimony at page 477.

Mrs. Bertha D. Canfield, seamstress, who has been at said school for 14 years, and who is a good woman and good employee, says: "Conditions at this school are deplorable as to morality and discipline, the lowest now it has ever been"; that everything has been done to advertise the superintendent and to beautify the grounds; that the failure of the superintendent to cooperate with the former matron, Miss Gaither, resulted disastrously, in sacrificing the morals of the school and ruining the girls; that the superintendent neglects the human side, the talking to pupils and leading them; that in less than a year 16 girls have been expelled, generally for immorality; that the superintendent has been unjust and has expelled pupils without cause, and named Sylvia Moon as one. She states that he has not the love, respect, or confidence of the pupils; that the superintendent turned one Myrtle Sullivan loose in Harrisburg without any money or protection, a girl about 18 years of age; that he tells employees to get out of his office if they do not like it; that he will not cooperate with them for the good of the school. She speaks of unjust treatment to Genevieve Evaux and Elizabeth Lavata. She believes the school should help the girls and pupils instead of sending them out to destruction; that she knows of one instance when the former matron, Miss Gaither, was ordered to the gymnasium, leaving the girls' quarters all alone, and that, as a result, two boys got in and spent the evening with the girls; that the superintendent has sent out girls like Agnes Jacobs with the band boys—an immoral girl who was unfit to represent the school; that girls have been ruined in going to pageants and visiting cities with the band and football team. She

speaks of the lack of discipline at the hospital; that the conditions there were very deplorable; that one girl was ruined there; that the boys were protected while the girls were not; that the moral conditions of said school are very bad; lots of drinking; students almost in open rebellion, complaining that they do not get enough to eat; that if conditions are not rectified soon, something desperate will likely happen.

Mrs. Canfield states that she has detailed 53 girls in the morning and 41 girls in the afternoon in her department and is doing a good work. She says that none of the suits in the small boys' dormitory have been mended for the past two years; that her department makes the white shirts, nightshirts, and underwear, which she believes should be purchased. Mrs. Canfield also gave testimony before the joint commission; see same at page 186.

Mary Yoos is an assistant seamstress; salary \$600 per annum. She has a detail of about 15 girls in the morning and 12 girls in the afternoon. She states that the girls detailed to her are very apt and are making good progress. This seamstress has had no promotion in four years and is desirous of getting a transfer so that she may get more salary.

Miss Alice Hecknan, assistant seamstress, is filling a temporary position. She has charge of the mending department, and about 18 girls are detailed to her each half day. She, like the other employees, states that the superintendent never talks to her, gives her any instructions, talks about the girls or their work, or takes any interest in them.

Miss Elizabeth Searight, an assistant seamstress, who is receiving \$400 per annum, has been at said school for 12 years and has received no promotion or increase in salary for the past five years. Her home is in the town of Carlisle. I have the honor to recommend that her salary be increased. She is a good, competent, faithful employee.

Roy L. Mann, teacher, says there is a great lack of discipline; that the discipline at the athletic building is bad; that there has been much unjust treatment of the boy students; speaks of one who was locked up for writing to his parents; that pupils are allowed to go out without guard passes; that there is lack of proper night watchmen; that the boy students are very bitter against the superintendent; that they have hissed him and called him "Old Jew"; told him to get out when he was visiting the classrooms; says he is unjust to the boys; that the whole school is in an uprising and open rebellion.

Miss Margaret M. Sweeney, teacher, says that she has been treated by the superintendent with extreme contempt in her schoolroom in the presence of students; that the superintendent has charged her with going away from the grounds without leave, which is untrue; failed to send her letter of explanation to the commissioner, and sent in charges against her. She states that Bandmaster Stauffer is instrumental in making trouble at the school; that he has great influence with Superintendent Friedman, which is bad for the school; that the student body dislike the superintendent very much; that he is unjust and unkind to the students and to certain employees; that he shows favoritism; that he was very unjust to the former matron, Miss Gaither; that morals are bad at the school; the students hiss the superintendent; that a few weeks ago the students broke into the girls' quarters again; that the superintendent has been very unjust to Principal Whitwell, who is a good, honest man, and has the respect of all the pupils of the school; that the boys at the school are getting desperate; something must be done; that if this continues for another month there must be an outbreak. "Your coming at this time is a God send."

Miss Sweeney also appeared before the joint commission and gave testimony. See same at page 492.

Miss Sweeney also made affidavit before me with relation to her taking leave at one time, wherein she claimed she was unjustly treated by Superintendent Friedman. I transmit this affidavit for your information, and draw your attention to same, marking it "Exhibit K1."

John Whitwell, principal teacher, states that all academic and industrial work is made subservient to athletics and football, and that the boys are taken out of the school-room and shops for this purpose; that the teachers have the girls, but not many of the boys, at times; that special privileges have been granted to the football players and that this is bad for the discipline of the school; that certain boys have been put on the students' roll just to play football; that there is no agricultural department now, it having been abolished; that the department of telegraphy has been abolished, also the harness-making department; that Coach Warner and Bandmaster Stauffer have been influencing the superintendent; that additional salaries have been paid to Government employees out of the athletic fund; that debates are not encouraged or held with outside schools; that attention is given to training the body in athletics, but not the mind; that not all football players are bona fide students; that the training table in the dining room causes bad feeling; that partiality has been shown; that on

one occasion an assistant quartermaster, named Stewart, a white man, was drunk on the grounds; that nothing was done to him; that Gus Welsh and other football boys have been drunk without being disciplined or reprimanded; that there are no proper night watchmen at the school; that injustice is being done to the pupils and certain employees; that there is no interest taken on the part of Superintendent Friedman in the individual pupil; no human side; no efforts made to teach the boys trades; that the corporal punishment of the students is bad, as is also the placing of pupils in the county jail; that the boys are allowed to go down town without their uniforms on, and by reason of some of them being nearly white they can get liquor without question; that certain of the school reports have been falsified; that there is lack of proper food and that the pupils complain of not getting enough to eat; that there is lack of interest in the schoolroom work; lack of interest in the employees, as well as the individual pupils; that a great injustice was done to a former matron, Miss Gaither; that corporal punishment should be abolished; that the outing system has been overdone, and that pupils have been sent home unjustly, etc.; that the failure to give instructions to the boys in agriculture, farming, dairying, etc., is to be deplored; that the work on the majority of the buildings constructed on the grounds has been done by outside mechanics, and the training of the school boys, who should have received such instruction, has been neglected, etc. Mr. Whitwell also testified before the joint congressional committee. See his testimony, pages 194 to 250, inclusive.

It is my best judgment that pupils who have the advantages of good public schools at home should not be enrolled at Carlisle or other boarding schools, but that the Indian pupils who do not have the advantages at home should be given such opportunity.

I am convinced that Mr. John Whitwell, principal, is a good, honest, conscientious, efficient employee. He is loved by the pupils and has the respect and confidence of practically all of the employees. I believe it to be a fact that his influence at the school has been exceptionally good and that conditions are now much better there than they otherwise would have been if it had not been for his presence. He has the best interests of the student body and the school at heart. It is true that he was insubordinate in a slight degree to Supt. Friedman, who aggravated him to such an extent, after months of persistent fault-finding and nagging, that he lost his temper and called him a "dirty skunk."

I do not approve of insubordination or of this statement on the part of Mr. Whitwell, but, under all circumstances and conditions, I believe his offense should be condoned and excused with a reprimand. I believe it to be in the best interests of the Carlisle School and the Government service that he be retained there and continue the good work in which he has been engaged, and I have the honor to so recommend.

Generally, I believe the teachers to be competent and painstaking, and with proper influence and encouragement will perform a good service. One exception I believe to be Miss Adelaide B. Reichel, teacher, who, I am advised, is flighty and frivolous, and whose influence at said school is not good.

INDUSTRIAL TRADES, SHOP WORK, ETC.

Carpenter.—There are two carpenters at said school, Mr. H. Gardner and Mr. John A. Herr.

Mr. Gardner has been in the service at Carlisle for about 30 years. He states that instead of his taking charge of the buildings, with Mr. Herr, the other carpenter, and constructing them and working the Indian boys, outside carpenters have been employed on practically all of this work of the new buildings and all large repairs. He states that most all of the old buildings on the ground were constructed by him, viz, the office and other buildings; that the boys' instructions consist mostly of shop work, making furniture, sash, doors, etc.; that the outside buildings are constructed largely by outsiders; that the discipline of the school is worse than it ever has been; a good deal of drinking among the boys; that the detail of boys is not sufficiently large and they have not been detailed for long enough periods for many of them to learn the trade; that the feeling among the boy pupils toward the superintendent is very bad; that they have hooted him and called him names.

Carpenter John Herr states that he has been employed at the Carlisle School for about 10 years; that he had charge of the carpentry work under Supts. Pratt and Mercer, and now under Supt. Friedman; that the detail of boys is now 41—19 in the forenoon and 20 in the afternoon; out of that number, possibly 8 or 9 might stay and learn the trade. Generally, it takes three years to learn the trade, the boys only working a half day; many of them are sent out on details in the summer and some of the shop boys are put on the farms where they can not get work at the trades, which is very wrong; that the boys should remain in the shops in the summer—that is, when

the building is being done; that the construction work on the new buildings has been largely done by outside men, such as carpenters, bricklayers, plumbers, etc.; that the athletic building was built entirely by contract:

"We carpenters, with the boys, do only the repair work, and the little work. Thousands of dollars have been paid out for help, which work should have been done by the pupils here and they should have received that training. When we need the boys in the shops they are gone. In the winter we have them when we do not want them. Last summer we had only six boys on the detail, just when I needed them most and they should be given the advantages and instructions. In the shop we make all the furniture work, such as tables, etc. The superintendent grants special privileges. We shop men have no benefits. Some of the employees here have house rent, heat, and light furnished them. I have none or the other tradesmen have none. We have to pay rent, fuel, and light. The percentage of boys who learn the trade is very small, indeed. No interest on the part of the superintendent seems to be manifested toward the individual students. The detail of the boys is made by the disciplinarian without regard to the boys and without keeping the same detail so that the boys can learn the trade."

Painter.—Mr. C. H. Carns, the painter, has been employed at said school for 13 years past. He has now a detail of 12 boys, each a half day. He states that the boys do not stay long enough generally to learn their trade. He has only three boys now, who have been with him for two years. They generally stay only one season, when a boy ought to stay three or four years to learn his trade, working only the half day; that in the past six years they have not had more than six boys to learn the trade and to stick to it and work at it out of the detail of over 180 boys; that they keep changing the details and putting the boys in other places, in the kitchen, on the night watch, on the farms, etc. No one can learn a trade the way the disciplinarian makes up the details of the boys without regard to their learning the trades; that Supt. Friedman never talks with him as to the details or discusses the trades for the boys or appears to take any interest in their welfare; that he has charge of the carriage painting and upholstery; that there is a great demand for good carriage and automobile painters, but these boys are being given no opportunity to learn the trade.

Tailor.—W. M. Nonnant, whose salary is \$900 per annum, has been at said Carlisle Indian School for about 12 years. He is a good, competent tailor, and interested in his work; says that during the winter months he has a detail of about 15 boys, on an average of seven to nine each half day, and in the summer months he does not have half that many; sometimes during the summer months he only has one or two boys. As a rule only 3 or 4 boys out of 15 or 20 stay long enough to learn the trade; some boys are detailed to him only a few months; that certain boys have been detailed to him just a few months before they knew their school term had expired and they were to go home; in the summer months the boys detailed to his shop go on outing in the country and work on farm or attend to horses, wash dishes, wait on the table, etc.; just now he has a boy in the shop named Gilbert, who has been at said school for three years; he is just detailed to him and has never been in a shop before, and he will soon have to go home as his term expires; that the boys should stay at least three years in the shop to learn the trade; that the work in the shop is making uniforms; never has enough boys to do the work.

"I could work now, at least, 40 boys—20 or more in a shift. We are now getting coatmakers down town because we have not enough help in the shop. This work should be done here. We could also make the work for other schools. The boys should be encouraged and paid a little money during the summer months, rather than send them out on farms on outings. There is no repairing done on the clothes and there is at least one-fourth more clothing used there than is necessary. There seems to be no one to look after the clothing of the boys. Good clothing has been condemned and sold as rags. This great waste should be stopped."

Tinsmith shop.—Robert B. George is the tinner. He has been employed at said school for about three years and receives only \$600 per annum; does not have quarters furnished on the grounds, but has to live down town and pay car fare, pay rent, fuel, and light; he asks the superintendent for quarters, but he tells him he does not have any for industrial trades, but when he entered the service he was of the opinion that quarters would be furnished him, with heat and light. He complains that some people who live on the grounds and are not Government employees are so provided (meaning Coach Warner). His present detail consists of 12 large boys and 4 small boys—7 in the forenoon and 9 in the afternoon; they change the detail of the boys too often; most of the boys who were in the shops last year are now on the farm; the large majority of them do not stay long enough to learn the trade; the boys should remain in the shop at least three years.

"I have no boys that have been here two years and have only two in the shop who worked here last year; the details are furnished by the disciplinarian and are changed too often. In a short time I suppose these boys will go into the country again. They do not stay and learn the trade and they do not have tools for each boy. I take pains in instructing the boys and explaining the use of the tools and all work to them. The boys have complained to me that they do not get enough to eat. They speak very badly of the superintendent. They do not like him. They have no respect for him. I believe I should receive an increase in salary."

I am of the same opinion, that this tinner, Robert B. George, should have his salary increased, and so recommend.

Carriage maker.—Mr. Martin L. Lau is the carriage maker. He has been employed at said school for nine years and is receiving a salary of \$800 per annum. He states the superintendent does not cooperate with the employees; that he will not stand by what he says; that he tells you to do something and then before you can do it, changes his mind; is not fair and honorable with the employees; shows favoritism, especially toward Bandmaster Stauffer; that the superintendent gives him no quarters on the ground, but gives to persons not in the Government employ house rent, heat, and light (meaning Coach Warner); also increases the wages of his pets.

"The discipline here at the school is much worse than formerly. I have a detail of 9 boys in the forenoon and 12 in the afternoon. The boys generally do not stay long enough to learn the trade. They change the details and take them out to do outside work. The athletic boys won't work. Those who are detailed at the shops leave at half past 3 or 4 for track work. The percentage who stay in the shop to learn the trade is very small. Supt. Friedman sent Dubries Skenendore, a good boy, away from the school. My brother has him down town now, employed, learning a trade. The students are all disgruntled as to the superintendent. He does not treat them fairly or properly. They claim they do not get enough to eat, and that asking for the second helping does no good. A good superintendent who will be in harmony and accord with the employees and pupils is what is needed."

Blacksmith.—William C. Shambaugh, the blacksmith, is a capable, competent workman, receiving \$800 per annum. He has 13 boys detailed to him every half day. Generally but few of the boys remain long enough to learn the trade. The details are changed too often and are made by the disciplinarian. The superintendent takes no interest in the boys or in the details, or in their learning their trade. The boys complain of Supt. Friedman; they say they do not get enough to eat; they are very much disgruntled; the athletic boys have a special cook and special table and food; this also makes other boys feel badly.

"I am not given quarters on the ground in which to live, but the coach for football is, and is not a Government employee. Once when I took leave due me, the superintendent took it out of my salary, and once he refused me leave to attend the funeral of my sister's child. When quarters were available here at the school, I asked for them but he would not give them to me. I think the following industrial teachers are entitled to quarters, heat, and light, the same as other employees. These are the ones who do not have them: Mr. Lau, wagon maker; Mr. Boltz, shoemaker; Mr. George, tinner; Mr. Carns, painter; Mr. Gardner, carpenter, and Wm. C. Shambaugh, blacksmith. Mr. Kensler, the quartermaster, curses very much in the presence of the boys."

Bakery.—Raymond Reneker is the baker. He is a competent man and bakes good bread. On Monday, Tuesday, and Wednesday of each week he bakes about 1,000 loaves of bread. On Thursday and Friday, about 1,600 loaves each day; a total of about 6,200 loaves a week, which averages about five barrels of flour each day. Since about October he has had 10 boys detailed to assist him, 5 in the forenoon and 5 in the afternoon. Some of the boys on his detail can do the baking. Mr. Kensler, the quartermaster, told him he was short on flour.

"I have made an increase in bread of about 15 loaves for each meal, or about 50 a day, since you came here. I did so at the request of the dining room matron, Mrs. Zeamer, who told me that you had complained that the boys were not getting enough to eat. Quartermaster Kensler told me he could not get any satisfaction from the superintendent; did not know what to do. Saturday I baked about 160 pies for Sunday dinner, generally make them out of raisins, apples, peaches, etc. I have no eggs furnished for cakes on holidays, but very little lard and very little sugar."

This bakery was badly in need of a bread room, which could be constructed by putting in shelving and a door. There is also need of six steel racks for proofing bread, which should be 2 feet wide, 6 feet long, 6 feet high, with 10 shelves on rollers. There was also great need of two trucks, each about 6 feet long, 2½ feet wide, placed on rollers, to hold bread pans and for use in the bakery. There was also need of wash-bowls and a wash and dressing room, a place fixed for the boys and baker. I suggested

to the quartermaster that these repairs be promptly made, and the same were being done prior to my leaving the grounds.

This baker, Ramond Reneker, has a family, is a very competent baker and faithful employee, and he can not well live on his present salary of \$600 per annum. I recommend that the same be increased.

Shoemaker shop.—Mr. John Boltz is the shoemaker, and is a very faithful and competent employee. He has a detail of about nine boys each forenoon and afternoon. He has had some of those detailed for six or seven months for the past two years. The work in said shop consists mostly of repairing shoes, but he makes about 200 pairs of new shoes a year. The harness shop has been abolished and he does what little harness repairing is needed. He states he could work a larger detail and make shoes which would be better for the pupils than those which are purchased; that this would afford instructions to a large number of pupils and be a saving to the Government; that his detail is made by the disciplinarian and no attention given by the superintendent to the individual teaching of the boys; that his salary is \$650 per annum and he has had no increase since there, although he was promised it for doing extra harness-maker's work; he has heard the boys complain that they did not get enough to eat.

Masonry.—Harry B. Lamason is the mason. His salary is \$750 per annum. He has been detailed at times 18 or 20 boys, and again has none. The details are changed so often that he can not teach many of the boys the trade or give them instructions; says he could handle 50 boys; states that Supt. Friedman takes no interest in the welfare of these boys or the trades; that the details are made by the disciplinarian, and no attention whatever is paid to the keeping of boys long enough to learn the trade; that the work in the cottages and school buildings is done by outside persons and paid for, when the pupils should have the benefit of such work.

Laundry.—Miss Ella Albert is the laundress. She has been employed at said Carlisle Indian School for about 16 years. She has two assistants, Mrs. Ida Boger and Mary Nixon, the latter a colored woman. She has a detail of about 20 girls each half day, and about five boys. She states that the discipline of the girls is good and that some complaints have been made as to the superintendent.

The equipment of the laundry is good and the work in connection therewith is good. It is one of the best conducted institutions on the place.

Engineering.—Harry F. Weber is the engineer. He has been employed at the Carlisle Indian School for about 21 years. His present compensation is \$1,100 per annum. He looks after the general repairs in plumbing, steam fitting, boilers, laundry, machinery of all kinds, makes all repairs, looks after the electric lights, etc. He states that it is cheaper to purchase electric power than for them to make it; that the boiler capacity is now barely sufficient for heating all the buildings; all the power at said school is electric power; that his detail runs from 9 to 14 boys every half day; the detail made to him at times is not satisfactory. Two boys are detailed to fire at night. He states that at times it is hard to get material to make the necessary repairs; that Supt. Friedman generally ignores him, passes him by and will not speak to him. The superintendent takes no interest in the boys.

"I am instructing the boys all that I can. They generally give me the same detail, and I have had some boys two and three years. The superintendent never says anything or gives any instructions as to anything. I am supposed to smell it. The discipline of the school is very bad. It is better just now that you are here. The boys came home all hours of the night until you came. The boys dislike the superintendent very much. I have never heard a boy say a good word of him. I believe Principal Whitwell is an honest and worthy man.

"He has been persecuted by Mr. Friedman because he is supposed to have given information to Mr. Pearis. Athletics are given first consideration, and professional athletics are not good for the students. These athletic boys are unable to work, or won't. The school and industrial teaching is made a secondary consideration to athletics and football. In my judgment, instruction in gardening, dairying, school, academic, and industrial work should come first."

Print shop.—Arthur G. Brown is the printer, and I must say, in justice to him, that he runs a very good institution. The printing office is exceptionally clean and neat, and everything is in order. He has a detail of 20 boys in the forenoon and 21 boys in the afternoon at the present time. Fourteen of these boys have been in said printing office for two or three years, and 25 boys are new detail. The disciplinarian makes the details, but he insists that the same boys be detailed right along, and he is generally supported in his wishes; says Supt. Friedman seems to take very little interest in the work of the boys, except that he sent some as outing printers.

This printing office is one of the best conducted institutions in connection with said school. In connection with this printing office, I desire to draw your attention to the affidavit of the former printer, Mr. E. K. Miller, "Exhibit T." Mr. Miller is now occupying a smaller position at Chilocco. In said affidavit Mr. Miller tells

of seeing beer wagons deliver cases of beer at the houses or quarters of Mr. Nori, chief clerk; Mr. Claude M. Stauffer, bandmaster, and Mr. Glenn S. Warner, coach. He also tells of being present at Supt. Friedman's house at an entertainment where liquor was served; that he does not consider Supt. Friedman truthful or reliable; that he has practiced methods deceiving the public in issuing statements from the printing office; that he made printed statements which were false; that he made misrepresentations to the Post Office Department in connection with the entry through the mails of the Redman; that he saw more drunkenness at Carlisle in one year than at Chilocco in seven years among the boy pupils; that he lived next door to Supt. Friedman and that he and his wife would often hear Mr. and Mrs. Friedman quarreling, and that the language of Mr. Friedman was anything but that of a gentleman, and was profane and obscene; that he has seen a lady guest of Mrs. Friedman smoking cigarettes on the front porch of the superintendent's house; that Supt. Friedman's method of securing complimentary newspaper notices was to write them up himself and send them in copy form to the newspapers, where they would be printed, and then reprinted in the Carlisle papers and the Redman and credited to the other newspapers; that some of the matter which was thus sent out, he printed himself for Mr. Friedman; that this was a common practice of getting complimentary notices.

He states that certain football boys were enrolled at said school for the specific purpose of playing football; that he was at Coach Warner's house, on the grounds, on one occasion when they served beer. He complains that there was lack of backbone or discipline; insincerity of purpose; desire to see the students have a good time; absolute power in the hands of a man who had no connection with the service other than to make athletes (Coach Warner), a man with no interest in the moral welfare of the Indians, letting the nonessential, superficial side of life have the right of way, which brought about a condition that was deplorable and against which it was next to impossible to achieve character-building results. The athletic spirit was urged and allowed to predominate to such an extent that everything else seemed of a subordinate consideration. It was easy to imagine "Pop" Warner the real superintendent.

"I never knew of Coach Warner's orders being countermanded. His power after Mr. Leupp left the service was absolute. When it came to members of my department joining the athletic teams or the boys going to practice at all hours, being away on trips, I had no voice in the matter. Social affairs were carried to the extreme. Expenditure of money by the students to dress and the cost of parties were beyond all good sense. Extravagance seemed to be encouraged. It was no uncommon thing for the boys of the athletic teams to be drunk and cause trouble. Thorpe was among them. Once I was told that the students had stolen liquor from the refrigerator on the porch of the residence of Supt. Friedman and became drunk. This came from a young lady who worked there. Both the athletic director and the director of music seemed independent of other departments."

These industrial teachers all appeared before the joint committee and gave testimony, the pages of same being indexed. Your attention is respectfully invited to same.

From the above you will observe that it is the opinion of practically every one of the industrial teachers connected with said school that Supt. Friedman paid no attention to the industries or to the welfare of the individual students or to their being taught trades; pays no attention to the details, allows them to be changed so often that only a very small percentage of the boys become proficient in any of the trades, and I respectfully submit that there is no justification for such neglect in the teaching of the boy pupils these important trades.

On page 17 of the Annual Report of the Carlisle Indian School for the fiscal year ending June 30, 1912, appears the following:

"Carlisle Indian School lays special stress on instruction in agriculture. * * * The instruction in agriculture is of the most practical character. Thorough instruction is given in the classroom in nature study and the elements of agriculture * * *"

Again, on page 21, of said annual report:

"The Indian boy and girl can obtain here such a knowledge of the useful industries, for which there is a demand in the section of the country in which he lives, as will enable him to earn a good living for himself and family * * *"

"In all forms of constructive work, in building construction, carpentry, plastering, blacksmithing, machine work, shoemaking, bricklaying, painting, the Indians have no difficulty in making good."

These writings of Supt. Friedman would be very good indeed if they were but true.

The annual report of the Carlisle Indian School for the year ending June 30, 1912, at page 12, states, among other things:

"During the year 976 were placed at work at their trades and 2 of the girls were training as nurses."

Practically all of these pupils were working on farms as laborers and the girls in kitchens as hired help, as I am reliably informed.

OUTING SYSTEM.

The outing system, if properly handled and carried out, is undoubtedly beneficial to Indian students. In this connection, however, carefully selected homes to meet the requirements of each pupil should be considered, for the welfare of each individual pupil, as to his moral, religious, social, and school training. Too frequently it has been the case that but little attention has been paid to this feature of the outing system, the idea seemingly having been to send out as many pupils as possible and make as good a showing as possible in the amount earned by the outing pupils. Force of numbers rather than carefully selected homes to meet the requirements of each individual pupil has been the case.

The girls who are sent on outing receive wages varying from \$5 to \$12 per month. A general average of \$7 or \$8 a month would be about what they receive, while the boys receive an average of about \$14 or \$15 per month.

Mrs. La Flesche, the outing matron, states that the idea of Supt. Friedman seems to be to make the number of outing pupils each year larger rather than to take pains to procure proper homes for the pupils; that Supt. Friedman is constantly urging that pupils be sent out under the outing system; that the boys and girls are forced out to work on the farms and in the kitchens.

When the pupils go to the public schools under this outing system they receive no salary. The pupils have to pay their railroad fare one way when they go on the outings. The moneys are all turned over to the superintendent and they receive one-fourth of the salaries which they earn while in the country on outings; then they can use one-half of what is deposited and the balance is turned over to them when the period of their enrollment expires. Many pupils who have been taken from their homes, where they had public-school facilities are forced into the country on this outing system to work for a mere pittance, and in many cases attend country public schools that are no better, or as good, as they left at home.

The patrons of this school who are anxious to employ these Indian boys and girls are, as a rule, not philanthropists. Their idea is to procure cheap labor on their farms and in their kitchens, and the fact is that these Indian pupils receive about one-half of what they would have to pay white labor for performing the same service.

The majority of these pupils are sent to said school by their parents with the understanding that they are to receive academic and industrial training at the school, but instead of same, and being taught some trade, they are forced on these outings to work on farms and in kitchens, and in many cases attend public schools, when they might better be at home attending public schools.

Mrs. La Flesche, the outing matron, says that conditions at the Carlisle Indian School are very bad as regards the discipline, morals, etc.; that the pupils as a body have no respect for Supt. Friedman; that his influence with them is not good and not elevating; that they have jeered him and have called him names; have thrown shoes at him; that the food is bad and not sufficient; that many pupils have so complained; some pupils have been sent home or expelled for no just cause; and that in the best interests of the Indians and the Carlisle Indian School a new superintendent is badly needed.

Mrs. La Flesche is a highly educated, fine, cultured Indian woman, honest and competent, and she has the best interests of this school and the Indians at heart.

Mrs. La Flesche testified before the joint commission, and her testimony will be found on page 1 et al. Your attention is respectfully invited to same.

Miss L. M. Johnston is the girls' field agent. She has been employed at the Carlisle Indian School for seven years and for the past one and one-half years has been acting as field agent. She states that last summer they had about 250 girls on the outing system; that at present there are 84 girls on outing. She states that these girls are employed as assistants and perform practically the same duties as a hired girl—cooking, washing dishes, sweeping, making beds, etc.; that these girls generally receive from \$6 to \$10 a month, while white and negro girls for the same service receive generally \$5 a week; that many of the girls attend public schools for 100 days each year, during which period they receive no pay; that they are in the country and in suburban homes; generally their conduct is very good; there is not much trouble with the girls that are out in the winter, but in the summer with a large number there is a good deal of trouble. She says the greatest trouble is from indifference, untruthfulness, imprudence, carelessness, etc.; that the girls generally are in good homes

and there is but little immorality now among them; she has known of but one case this winter. She says the patrons are not philanthropists and, with few exceptions, simply want cheap labor; that generally the influence of the patrons is good; that the pupils generally make good progress in the public schools; that the Government furnishes the pupils with their clothing while on these outings; that the girls and boys are persuaded to go on the outings by Supt. Friedman and he urges her to send them out, the object being to have more wages and make a better showing. She believes the pupils should be influenced and taught here to do what is right and not be made to go into the country; that there is no domestic science taught on the grounds, no house instruction; that many of these pupils who go on the outings come from homes just as good as those in which they are placed and have just as good public schools at home.

David H. Dickey is the boys' outing agent, his present salary being \$900 per annum. I have heretofore in this report mentioned Mr. Dickey as having whipped four boys in the jail when Coach Warner, Bandmaster Stauffer, and others were present.

Mr. Dickey is out in the field most of the time looking after the boys. In the summer he states he has about 400 boys out in the country, and mostly all working on farms; that probably not more than 20 or 25 are employed at trades, and those who are so employed are principally helpers, blacksmiths, carpenters, and painters; that he arranges for and places the boys in the homes, and adjusts their troubles at the farms; looks after the runaways, etc.; that he generally tries to put the boys with patrons of their own religion, and tries to see that they are placed in good homes with good people. Mr. Dickey also states that he whipped two boys in the country at the request of the school-teacher. He states that the discipline at the Carlisle Indian School is very bad; that the feeling of the students against Supt. Friedman is very bitter; that the boys are rebellious; that the officers and boys are all in rebellion; that there is no head at the school; that the girls are very bitter against the matron, Miss Ridenour. He states that he had once been instructed by Supt. Friedman to get evidence against John McGinness, a former Indian boy student at Carlisle, who had returned to Carlisle and obtained employment. He believes that some bad, outlaw boys are sent to said school.

It appears also to have been one of the rules of Supt. Friedman to permit none of the students or graduates of the Carlisle Indian School to remain in the territory in the vicinity of Carlisle, the boundaries of which he arbitrarily fixed as his outing district. Students whose terms of enrollment had expired or graduates or students who might have learned trades at the Carlisle Indian School were prohibited from seeking employment or procuring situations within said outing district, and numerous instances were related to me where Indian pupils who were no longer students of the Carlisle Indian School had been forced out of their positions and made to leave the district, on the theory that their influence was bad on the outing students.

Also, these former students have been denied access to the grounds of the Carlisle Indian School by Supt. Friedman.

One Sam Sonock, who has for the past eight years been employed in the Pennsylvania Railroad shops at Altoona, Pa., and who received his education at the Carlisle Indian School, was denied access to the grounds, and he told me that Supt. Friedman had written to the foreman of the Pennsylvania Railroad shops, trying to have him dismissed from the service of said railroad company, charging that he influenced pupils to run away from the Carlisle Indian School, which he strenuously denies. He speaks of the case of Francis Greanbaum, a student who had run away from the Carlisle school and who came to him at Altoona, and for whom he secured employment in the railway shops. This pupil was later arrested and returned to said school. Sonock says he was returned on the order of Coach Warner last fall because he was a football player. Subsequently he again ran away from the said school and went to St. Louis, Mo., where, on January 3, 1914, he was found in the railway yards with both legs cut off below the knees, and Sonock says this boy would be all right and at work in the Pennsylvania Railroad shops at Altoona to-day if he had been left alone.

Another case which I desire to bring to your particular attention is that of Montreville Yuda, a former pupil and graduate of the Carlisle Indian School, and who is now running a small store in Carlisle. After his graduation he returned home, up in northern New York, but subsequently returned to Carlisle where he was acquainted, and obtained a job. He states that Supt. Friedman made him lose job after job in Carlisle, put the police on him, and tried to have him put in jail or run out of town.

Your attention is invited to his testimony before the joint commission, page 102. et seq.

Another case is that of Morris Huff, whose five-year term at said Carlisle School expired in July, 1913. This boy is 20 years of age and is employed by some good

people out in the country. He has been forced by the superintendent to again sign up at the school against his earnest protest, and the money derived from his labor to go through the superintendent's office.

This is no way for these Indians boy pupils to acquire independence and self-reliance.

Lewis Schweigman is a Sioux Indian boy from the Rosebud (S. Dak.) Reservation, who completed his term at the Carlisle Indian School during the summer of 1913 and returned home. At the solicitation of Supt. Friedman, who wrote him, he brought back some students from the reservation to the said school, and he was told by Mr. Friedman that he could take up the trade of sign-painting; instead, he was put to work as a janitor in the school building, and finally expelled, or sent home, without just cause.

This boy obtained employment as a painter at Grayson, 6 miles from Carlisle, and he was fearful that he would be disturbed by Supt. Friedman in his position, and he appealed to me for protection. I told him to hold up his head like a man and go to work, and so long as he behaved himself, did not drink any liquor, and obeyed the laws of this country, no one would bother him. This boy is of age, good habits, a good, clean, bright, intelligent boy, has high ideals, is living with a good family as a member thereof, and working for the man.

This boy gave testimony before the joint commission. See his testimony at page 300. When he came to the Carlisle Indian School, at my request, to testify before said joint commission, he was ordered off the grounds by the disciplinarian under instructions from Supt. Friedman.

STATEMENTS AND COMPLAINTS BY OTHER CARLISLE INDIAN SCHOOL EMPLOYEES.

Mr. E.E. McKean, the disciplinarian, states that conditions at said school are very bad indeed; that the pupils have no respect for the superintendent; they jeer him and call him names, and have thrown old shoes at him. He can not maintain discipline under present conditions; that some of the boys are being put in the county jail unnecessarily and boys have been whipped wrongfully.

"I filed a complaint against Ethel Williams, Paul Jones, and Charles Kelsey, who were put in the county jail at the request of Supt. Friedman. This dirty, filthy jail is no place for these pupils. The association with criminals there is undoubtedly bad. I have received instructions heretofore from Supt. Friedman to try to get evidence against Montreville Yuda, a former student of this school, to get him run out of town.

"The only thing that will relieve conditions at this school is to have a good superintendent placed in charge, or the school will go to the bad."

Disciplinarian McKean also testified before the joint commission. See his testimony at page 492.

Mrs. A. Dietz, Indian art teacher at said school, states that the general conditions there are very bad as to discipline, morals, and drinking; that many of the boys and girls have been unjustly treated; that Principal John Whitwell is a good, honest, faithful employee, who has the best interests of the school and the student body at heart; that a new superintendent is needed in the best interests of said school.

Mrs. Dietz also testified before the joint commission. See her testimony at page 310. Harvey K. Meyer, clerk, salary \$1,260 per annum, who was transferred to said school from the Haskell Institute, and who is a competent, conscientious, faithful official, says:

"There is great lack of discipline at said school. The student body have no respect for the superintendent, who appears to take no real interest in their welfare. There have been many cases of wrong action on the part of the superintendent, and I mention those against Lewis Schweighman, Morris Huff, Montreville Yuda, Sylvia Moon, Gus Welsh, and others. Supt. Friedman told me that some of these students were mixed up in a movement against him. Conditions are gradually getting worse this past year. The former matron, Miss Gaither, was not properly supported by the superintendent. Many students complain that they do not get enough to eat. There is great lack of discipline and cooperation with employees. The superintendent does not seem to care. The solution of the problem is that we need a good superintendent who can handle the situation, a big man as a leader, one who will get the best out of the employees and the students. Let our work, instead of the newspapers and magazines, spread our glory. Some students were put in jail unjustly; others who did things worse were not hurt. There is no justice and no like treatment in similar cases. The students are not being helped, and are losing valuable time. In some cases the boys are being hurt."

Mr. Harvey K. Meyer also testified before the joint commission. See his testimony at page 514.

Wallace Denny, assistant disciplinarian, in charge of the smaller boys' quarters, is an Indian and received his education at this institution. Mention has heretofore been made that he had struck the boys with his fist on various occasions, which should not be permitted. Mr. Denny stated to me, in substance, that the student body were all against Supt. Friedman; that he can not get along with the pupils or control them; that the discipline is bad and continually getting worse; that some bad boys who are nearly white have been admitted to said school who had formerly been in reformatories; that some of the boys had been whipped and fined.

"The feeling is better now that you are here, but this thing can not continue, and there is going to be an outbreak. Many pupils complain they do not get enough to eat, and the boys are continually asking for more bread. It is much easier to control a bunch of well-fed boys, who will then feel better. There is a continual fight between the superintendent and the students. What is needed is a good, strong man, who will reach the heart of the student body, and students of better characters should be entered—Indians, not nearly white people. No suits of the pupils in my dormitory have been mended for the past two years."

Mr. Denny also gave testimony before the joint commission, page 167, to which your attention is respectfully invited.

Mrs. Wallace Denny, a former employe and outing manager, and the wife of the assistant disciplinarian, Wallace Denny, stated to me that she received her education at the Carlisle Indian School and had its best interests at heart, as also that of the Indian pupils; that she had never seen such a bad condition at said school as now; that there was a great lack of discipline and morals; that the pupils did not like or respect Supt. Friedman; that the girls complained of the meals served, they did not get enough bread to eat; many employes do not like the superintendent; that he is influenced by Bandmaster Stauffer; that some of the pupils are short of shoes and clothing, and there is a great demand for better food; that the pupils are in an ugly rebellious mood.

Mrs. Denny also testified before the joint commission. See her testimony at page 180.

Mrs. Ora L. Knight, assistant matron, who sometimes stays in the dining room during the service of meals, says that she has heard complaint as to lack of bread, knives, forks, spoons, etc.; that napkins are only issued once a week; that the dining room is not what it ought to be.

Dr. Walter Rendtorff, physician at said school, has only been there since January 1 of this year, having been transferred to said school from Anadarko, Okla. I believe Dr. Rendtorff to be a capable, courteous, conscientious official and a good doctor. He stated to me that he was not courteously received by Supt. Friedman on his arrival; that he was made to feel at once that he was not wanted; that the treatment accorded him by Supt. Friedman was not just or proper. He stated that he believed there were some pupils at the school with mental defects and some with such poor eyes that they should not be in school; that he found on arrival two pupils—Susan White and Steel Slansback—with advanced cases of pulmonary troubles; that they had to be sent home at once. He states that the general health conditions at the school are pretty good; that there has been quite an epidemic of measles recently, and there are 18 cases of glandular tuberculosis, quite a little trachoma; that there are seven cases of trachoma which should be operated on; some of them are comparatively new students; that the equipment of the hospital is good, the nurse is good, and so are the hospital girls; considers the discipline at the school now very bad; has had to send one girl home recently on account of her condition.

In connection with the health conditions of said school I desire to refer to the testimony of Supt. Friedman before said joint commission, at page 643, wherein he says the number of deaths at said school in 1888 was 21 and in 1889, 18. That is very true. He picked out the two years when the Apaches were transferred to Carlisle regardless of their condition, and picked these two years to reflect on the administration, if possible, of Gen. Pratt. He failed to state, however, that during the following years the death rate was very low, and that some years, with a larger attendance of pupils at said school, there had been no deaths. For your information I here give the following:

In 1892 there were 6 deaths out of 926 pupils.

In 1893 there were 6 deaths out of 911 pupils.

In 1894 there was 1 death out of 818 pupils.

In 1895 there were 8 deaths out of 842 pupils.

In 1896 there were no deaths out of 898 pupils.

In 1897 there were 2 deaths out of 920 pupils.
 In 1898 there were 4 deaths out of 1,080 pupils.
 In 1899 there were 4 deaths out of 1,090 pupils.
 In 1900 there were 6 deaths out of 1,218 pupils.
 In 1901 there were 4 deaths out of 1,174 pupils.
 In 1902 there were 2 deaths out of 1,234 pupils.
 In 1903 there were no deaths out of 1,298 pupils.
 In 1904 there were 8 deaths out of 1,173 pupils.

I simply quote the above figures to show the unfairness attempted by Superintendent Friedman in his testimony.

John M. Rudey, who was former assistant disciplinarian at said school from June, 1910, to December, 1912, and acting disciplinarian from then until April 7, 1913, at the large boys' quarters, told me that he was never supported by the superintendent, Moses Friedman; that he is capable of instilling military discipline, which is not allowed. He states that the students hate Superintendent Friedman, have no respect for him, and that both the boys and girls call him "Old Mose," "Old Sheeny," etc. He says that Principal Whitwell is a good, honest, earnest man, and a hard worker.

On June 28, 1913, Mr. Rudey wrote a letter to Secretary Lane giving his views as to conditions at the Carlisle Indian School, a copy of which I herewith inclose for your information and mark "Exhibit L1," to which your attention is respectfully invited.

Nelson D. Simon, a pupil at said school for five years past, president of the Y. M. C. A. work, a good, earnest, honest young man, stated to me that about a year ago, when Dr. J. W. W. Walker was in charge of the Y. M. C. A. work of the Carlisle Indian School, they had a membership of 269; that great good was being accomplished among the pupils by Dr. Walker, and that the influences of the Y. M. C. A. were exceptionally good for the young men. He states that Dr. Walker was treated unjustly and compelled to leave the school work, and that now the Y. M. C. A. work has dwindled down so that they have only 28 members and only three or four paid-up members; that the superintendent, Moses Friedman, keeps appointing different employees to act, but none can seem to handle the situation, which is now going to the bad; that Superintendent Friedman lent no aid or encouragement to said association, which association was a great help and encouragement and doing a great good among the pupils.

Nelson D. Simon filed with me two letters, one addressed by the student boys, former members of the Y. M. C. A. at Carlisle Indian School, dated April 2, 1913, to Dr. James W. W. Walker, and the other a reply from Dr. Walker, dated April 16, 1913, to which your attention is invited as showing the good effect this Y. M. C. A. teaching by Dr. Walker had on the pupils of said school and its employees; that such influence should be encouraged rather than killed off, as in this case, by Superintendent Friedman.

These letters I attach together and mark "Exhibit M1."

MISCELLANEOUS.

Mr. August Kensler has been at said school for about 21½ years. He has charge of the general supplies and storehouse, issues all supplies, and has charge of the property list. Mr. Kensler has had a very good system in vogue and has been doing a fairly good work. He has resigned, I am informed, to take effect March 1, and I desire to state that his resignation was not occasioned by reason of my investigation, and so far as I am advised I know nothing in regard to his property accounts being wrong.

On February 4, 1914, I convened a board of survey, which condemned a lot of worthless articles. As members of said board I appointed August Kensler, quartermaster; Henry Gardner, carpenter; and William C. Shambaugh, blacksmith. Several tons of worthless articles were condemned and destroyed by fire and a few articles condemned for sale, of which your office will be duly apprised by the superintendent's office at Carlisle.

With relation to there being no quarters for the industrial teachers on the grounds at Carlisle, I will state that there is a two-story house between the superintendent's magnificent home and the small boys' dormitory, which is a frame building in which two small families might be comfortably housed. This building, I understand, has been kept for the use of guests and only a small portion used at a time for this purpose, while these employees have been compelled to pay house rent. The art building, a one-story cement-block structure, has been vacant for about a year. One large family could be housed in this building.

Mr. Claude M. Stauffer, the bandmaster, has had double the room assigned to him that he needed. The athletic coach, Mr. Warner, who was not a Government em-

ployee, had a very large house assigned to him, which he occupied with just his wife. It is my judgment that these vacant buildings and other buildings herein mentioned should be allowed to be occupied by the employees and industrial teachers of said Carlisle Indian School, who receive very meager salaries.

As heretofore stated, there are no domestic science or housekeeping apartments on the grounds. I believe this is one of the essential things, and that possibly some of these buildings might be utilized for such purpose if not used for these employees.

During nearly one month while I was at Carlisle I did not hear the band play. There was never any flag salute, and the records of the athletic fund show numerous payments made for music furnished, while this Bandmaster Stauffer was receiving a salary of \$1,400.

I believe that the flag salute which the band would attend, and play while the pupils thereafter marched to the dining room to their meals, would inspire patriotism in the pupils and produce a good feeling at said institution.

The jail at said school is a good, clean, cement building, with six cells, lavatories, running water, shower bath, steam heat, electric lights.

The athletic building is well equipped. The roof on the athletic cottage is not good, leaks and needs repairing, and the building needs painting.

The grandstand has been torn down and needs repairing. The barn is in need of repairs and painting.

One of the great necessities for said school is two night watchmen.

Mr. Frank J. Veith, the former gardener at said school, now at the Sherman Institute, California, made affidavit to which he attached letters received from Supt. Friedman addressed to him at Riverside, Cal. His affidavit shows, in substance, that during his stay at Carlisle he gave vegetables to Mrs. Friedman, at her written request, and often without request; that his assistant, Mr. Murray A. Collins, had received written requests for vegetables from Mrs. Friedman and helped him gather them for her; that on one occasion when taking the basket of vegetables to Mrs. Friedman he met Quartermaster Kensler coming from the office building, and when asked by Kensler who was buying those, told him they were for Mrs. Friedman. He also gave flowers to Mrs. Friedman.

These vegetables were not paid for, still this did not prevent Supt. Friedman from charging him with giving vegetables to the teachers' club.

This affidavit, with letters attached, I mark as one exhibit, being "Exhibit N1."

I also inclose affidavit of one Stella V. Bear, an Indian girl, formerly employed at Supt. Friedman's house, which was sent to me by Supt. W. R. Davis, Bismarek (N. Dak.) school, at my request. This affidavit I mark "Exhibit O1."

I also inclose affidavit of Clara Spottedhorse Yellowtail, also an Indian girl, who formerly worked for Supt. Friedman, now at Grass Lodge, Mont. This affidavit I mark "Exhibit P1."

I also inclose letter dated February 6, 1914, addressed to me by Stella Bradley, and another letter of even date addressed to me by Anna Miller. These letters show that Bandmaster Stauffer purchased a \$25 mandolin from an Indian girl, named Rosa Sampson, at said school for \$5 and immediately sold it to Stella Bradley for \$15.

These letters I attach together and mark as one exhibit, being "Exhibit Q1."

I took the affidavit of one Davis Sawmick, a Chippewa Indian boy, 15 years of age, who has been enrolled at the Carlisle Indian School since 1908. This affidavit shows that this boy worked on a farm for \$5, \$7, \$10, and \$12 a month, up to November, 1913, and after five years, when his term is about to expire, he is now put to work in a blacksmith shop to learn his trade, and although he attended various public schools for a portion of this five years, he is now only in the second grade and has had three weeks' experience at the trade at said school.

This affidavit I mark "Exhibit R1."

I secured from August Kensler, quartermaster, a list of small surplus clothing which is not required at the Carlisle School, and this excess clothing for small pupils should be shipped to some other school where they can use same, rather than have it go to waste there at the Carlisle Indian School, and I have the honor to so recommend.

There are 126 overcoats, various sizes; 115 shirts; 300 cotton flannel drawers; 93 pairs pants; 10½ dozen boys' merino undershirts; 7 dozen boys' summer drawers; 20 dozen boys' summer undershirts; 40 dozen boys' long hose; 4 dozen misses' winter vests; 250 Tam o' Shanters.

These unnecessary supplies for this school should be promptly shipped where they are needed. This list I inclose and mark as "Exhibit S1."

In accordance with instructions received from the honorable Commissioner of Indian Affairs, I delivered a telegram to Musical Director Claude M. Stauffer, suspending him. Copy of my letter quoting said telegram is herewith inclosed and marked "Exhibit T1."

With relation to optical and dentist bills, I have to state that pupils having money on deposit at said Carlisle Indian School are required to pay for the same, but the Government pays for those who have no money in the bank. This is inconsistent and no encouragement to pupils to have a bank account. It does not seem quite fair.

It appears that two legacies were left to the Carlisle Indian School. Mary P. Ropes, of Salem, Mass., who died in 1903, willed to the said school \$2,500. This money has been paid over and now amounts, with interest, to \$2,664.03. The will of Anna E. Peale, Philadelphia, dated December 7, 1905, bequeathed to said school the sum of \$3,000 for the maintenance and education of Indian girls. I am advised that the trustees of said latter fund are Moses Friedman, John Lindener, and J. W. Wetzel, attorney. I am also advised that the trustees of the Ropes fund are John Ray, attorney, of Carlisle, Pa., and John W. Wetzel, an attorney of Carlisle.

The data in relation to these trust funds are embraced in statements which I herewith attach and mark "Exhibit U1."

CASE OF C. B. BEHNEY.

By letter dated February 3, 1914, the honorable Secretary of the Interior transmitted to me letter of C. B. Behney, a former employee of the Carlisle School, for consideration and investigation.

Mr. Behney addressed a letter, dated January 27, 1914, Harrisburg, Pa., to the honorable Commissioner of Indian Affairs, complaining about his dismissal from the Carlisle Indian School and asking to be reinstated.

About the time of receipt of said letter, Miss Anna M. Ridenour, the matron, handed me a letter, which had been written at Harrisburg, Pa., January 27, 1914, addressed to Miss Anna La Fernier, an Indian pupil of the Carlisle Indian School, signed "Chalmers," which letter is written by said C. B. Behney.

Miss Ridenour opened this letter addressed to this Indian girl pupil, being suspicious that it was not a proper letter. The letter addressed to this Indian girl also inclosed a copy of a letter addressed to the honorable Commissioner of Indian Affairs. In his letter addressed to Anna La Fernier he uses endearing terms, and says, among other things:

"Anna, if you loved me just half as much as I hate the 'Israelite' we would be married by this time. Don't you think it would make the 'Jew' sit up and take notice? Don't you remember how I picked the burrs out of your hair and how slow I went about it? I know you don't want me to call you Chippewa Squaw and I feel much closer when I call you Anna. You know if I were superintendent you would have lots of dancing. When are you going to teach me to tango? The next girls' town day, couldn't you meet me in Spahr's restaurant?" etc.

Thus, it appears that this former employee was engaged in making love to one of the school girls and is undoubtedly not a proper person to be employed at said school, and I have the honor to so recommend.

I inclose the letter addressed to the honorable commissioner and the letter which he wrote to Miss Anna La Fernier attached together, and mark as "Exhibit V-1."

I also received a letter from the honorable Secretary of the Interior, dated February 6, 1914, inclosing a letter from Moses Friedman, superintendent, addressed to the honorable Commissioner of Indian Affairs, wherein he recommended that Charles Kelsey, a Winnebago Indian boy who committed an assault on Disciplinary McKean when he (Kelsey) was intoxicated, should be returned to his home without delay.

I have heretofore mentioned this case of Charles Kelsey in this report and stated that he had publicly apologized to the school, and that I believed it to be to the best interests of the boy to have him retained at said school, and I have the honor to so recommend.

This letter I inclose and mark "Exhibit W1."

I inclose the affidavit of Alice Guest, a former employee of said school, now at Riverside, Cal., with relation to Supt. Friedman, which I mark "Exhibit X1."

By letter dated January 30, 1914, the honorable Secretary of the Interior transmitted to me the file in connection with the complaint made by Supt. Friedman relative to the conduct of Roy L. Mann, teacher at said Carlisle Indian School. I investigated this case and took the affidavit of Mr. Roy Mann, which I inclose herewith for your information and mark "Exhibit Y1."

As late as September 19, 1914, Supt. Friedman wrote of Mr. Mann in the Carlisle Arrow, who was selected as secretary for the Y. M. C. A., that the selection was a most admirable one; that—

"He is a young man of splendid education and experience in teaching. * * * He is a man of clean habits and strong character, with high ideals and pleasing personality * * *"

It appears that shortly thereafter Supt. Friedman had a sudden change of heart with relation to Mr. Mann, because he believed him to be friendly with Principal John Whitwell, and he charged Mr. Mann with criticizing the school, in conjunction with Miss Sweeney and others, forming a coterie with Mr. Whitwell to stir up unrest among the student body, etc.

In order to pave the way for writing this letter derogatory to Mr. Mann, he wrote a couple of letters to Mr. Mann which are attached to said correspondence, charging him with disturbance in the athletic building and using obscene and profane language, etc. Mr. Mann states, under oath, that all of the charges are absolutely false and untrue and that he never criticized the conduct of the superintendent of the Carlisle Indian School until two or three weeks ago; that he knows Principal Whitwell to be a good, true, honored man; that Mr. Whitwell had never criticized his school-room work; that his conduct in the athletic building was entirely proper; that he is a Christian young man and does not use profane language; that he never has had anything to do with Miss Sweeney and nothing in common with her; that he has not been engaged in stirring up trouble, nor talking about the superintendent or encouraging or influencing the students in any manner against Supt. Friedman; that Supt. Friedman some time ago called him to the office and told him that he should not believe things he heard against him on the grounds, "and hinted about my being friendly with Mr. Whitwell," and he believes that Supt. Friedman's charges against him have been because "I am a friend of Mr. Whitwell and he has seen me talking to Congressman Rupley."

I also talked with several of the boys who roomed at the athletic quarters to ascertain whether they had ever made complaint about the conduct of Teacher Roy L. Mann in the athletic quarters, as complained of by Supt. Friedman.

Edward Bracklin said he never complained to anybody and had no cause to complain.

Peter Jordan said he never complained of Mr. Mann and never had any cause to do so.

Elmer Bush, captain of the football team, said that Supt. Friedman sent for him and questioned him about Mann, and he said he was all right in every respect except that he sometimes smoked in his room.

Fred Broker said that Mann came in one night and talked loud and woke him up; that he talked of same to Mr. Mann and to the janitor of the building, Mr. Hill, but that he never complained to Supt. Friedman about it.

Peter Calack stated that Mr. Mann came in late one night and made a noise and woke him up, and he complained of it to the janitor, Mr. Hill.

Joe Guyon said that he had never made any complaint.

Charles Coons said that Mr. Mann came in late one night and laughed and made some noise, and that he spoke of it to some of the boys but never complained.

Gus Lookaround said that Mr. Mann stayed up late and made some noise, but that he had never complained.

William Garlow, a football boy, who appears to have had some trouble with Teacher Mann, said that Mann made a noise in the quarters, came in late, and that he had cursed Supt. Friedman; that Supt. Friedman asked him about it and he told him so.

So, it appears that the only person who actually made any complaint about Teacher Mann was William Garlow, with whom Mann had had some trouble; that Garlow did not complain until he was questioned by Supt. Friedman.

I am convinced that Roy L. Mann is a clean, capable young man, of good habits, does not use liquor, and has smoked some in his room. I do not believe he is a man who uses profane language and I do not believe there is any justification for the charges brought against him by Supt. Friedman. This is the opinion, also, of a number of other employees of said school with whom I talked.

I attach his affidavit to the papers transmitted and mark this "Exhibit YI," and direct your attention to same.

CHARGES BY R. H. PRATT, BRIGADIER GENERAL, UNITED STATES ARMY.

There were transmitted to me by Hon. Cato Sells, Commissioner of Indian Affairs, January 29, 1914, charges preferred against Moses Friedman, superintendent of the Carlisle Indian School, by R. H. Pratt, who charges malicious, false, slanderous accusations, unbecoming a gentleman and Government official, against said Moses Friedman, the particular specifications being that said Moses Friedman did prepare and cause to be printed, or caused others to prepare and have printed, or did encourage others to prepare and print, an article in a widely circulated public newspaper, to wit, "The Public Ledger," Philadelphia, Pa., under date of January 28, 1914, under the heading, "Gen. Pratt alleged to be seeking revenge on Moses Friedman," in which

the following and other expressions were used: "Politics, revenge, and ambition are behind the charges," etc.

I ascertained that a newspaper reporter of Philadelphia, by the name of Ben K. Raleigh, wrote two special articles for the Ledger about the Carlisle Indian School; that said Ben K. Raleigh came to Carlisle and went out to the Indian school and had a conversation with Supt. Friedman; also that he got most of his information which he did not receive from Moses Friedman from one Hugh Miller, a newspaper correspondent of Carlisle, Pa., who is connected with the Carlisle Evening Herald and who sends out press dispatches for the Associated Press, and has been paid hundreds of dollars out of the athletic association funds for no other purpose than to send out flattering statements about the Carlisle Indian School, Supt. Friedman, the football team, etc.

Said Hugh Miller has been constant and persistent in his writing of articles for the public press, which he has had printed at Carlisle and elsewhere, complimentary to Supt. Friedman and derogatory to the Government and its officers making this investigation since this investigation has been started, and I am firmly convinced that this Ben K. Raleigh got his information largely from Hugh Miller and from Moses Friedman, superintendent; that he was biased and prejudiced and his opinions colored by them is undoubtedly true.

In Supt. Friedman's testimony before the joint commission he took occasion to further condemn Gen. Pratt and said that one, John Hays, of Carlisle, had stated that Gen. Pratt wanted to be appointed superintendent of the Carlisle school. He said that Bandmaster Stauffer had heard the same thing from Asst. Disciplinarian Denny, and that he had also been told so by Dr. Lake, of New York State, but he could not give Dr. Lake's address. Mr. Denny denies that he ever made any such statement to Bandmaster Stauffer.

In his sworn testimony before the joint commission Supt. Friedman denies that he gave this information to this newspaper correspondent, but I want to say that I believe he could not have received this information from any other source except Mr. Friedman or Hugh Miller.

On my first talk with Supt. Friedman after his return to the Carlisle Indian School from Washington, he stated to me the very same things which appear in this newspaper article against Gen. Pratt. I told him then that Gen. Pratt had nothing to do with the charges that had been filed. He then warned me against Mr. Denny, the disciplinarian, and against Mr. Whitwell and others. I told him frankly that I would not be influenced by anyone, but would make an honest investigation; that it was unnecessary for him to attempt to prejudice me against anybody.

While it is not proven that the superintendent did actually give out this information, I am thoroughly convinced that both he and his paid subsidized press reporter, Hugh Miller, gave this information to Ben K. Raleigh, who wrote the article for the Philadelphia Ledger.

With relation to Gen. Pratt being an applicant for the position of superintendent of Carlisle, I desire to state that I have seen copies of letters addressed by Gen. Pratt to Gov. Woodrow Wilson, President elect, dated February 8, 1913, in which, among other things, he said:

"I am past 72, and in no case an office seeker."

Again, in his letter dated March 13, 1913, addressed to Hon. Franklin K. Lane, Secretary of the Interior, he said:

"A friend in Carlisle writes that the people there are urging the administration that I be returned as superintendent of the Indian school.

"This is a needless waste of time and energy. It is impossible that I again, in any way, become a subordinate under the Indian Bureau, and I have always so advised my friends."

This letter was replied to by Hon. Franklin K. Lane, Secretary of the Interior, March 13, 1913, as follows:

"MY DEAR GEN. PRATT: I have your letter of the 15th instant, and note that you do not wish to be considered for appointment in the Indian Service.

"Very truly, yours,

"FRANKLIN K. LANE."

In his letter, dated March 15, 1913, addressed to James W. W. Walker, Y. M. C. A., Carlisle, Pa., Gen. Pratt says, among other things:

"I am sorry that anybody in Carlisle should feel called upon to urge the President to restore me to the Carlisle Indian School, because it is a pure waste of effort. I could not return to Carlisle as superintendent of the Indian school under any circumstances that I can imagine will arise * * *."

The above shows conclusively that Supt. Friedman's charges made to me against Gen. Pratt were absolutely false, and I believe him to be responsible for the article which appeared in the newspaper reiterating the very same charges which he made to me.

There has been considerable bootlegging going on in Carlisle and the student boys have been able to secure a good deal of liquor, and in some cases have returned to the grounds under the influence of liquor and brought liquor on the grounds.

I have the honor to recommend that the superintendent be instructed to issue an order to all of the boy pupils that they will not be permitted to go down town, in the town of Carlisle, or to Harrisburg, or towns adjoining Carlisle, unless they are dressed in their uniforms, the reason being that many of these young men are nearly white, and when dressed in citizens' clothes can not be distinguished from a white man and could easily obtain liquor, but with the uniforms on it will advertise to everyone that they are members of the student body of the Carlisle Indian School and then there can be no excuse for selling or giving them liquor.

Furthermore, I believe that it would be wise to send some special liquor officer to Carlisle, under cover, every once in a while and see if he can not secure evidence against these bootleggers and persons who sell liquors to these Indian boys. There are about 15 saloons in Carlisle and the boys seem to have had no trouble in securing liquor.

There are other affidavits included in "Exhibit T" herewith which were secured by Supervisor Brown, as follows: Mrs. E. K. Miller, James Edward Jones, Julia Jones, Fred Bruce, Harry Roberts, to which attention is invited.

The affidavit of Mrs. E. K. Miller corroborates her husband's statement as regards the quarreling indulged in between Mr. and Mrs. Friedman.

The affidavit of James Edward Jones relates to being induced by Coach Warner to go to Carlisle to play football for a consideration.

The affidavit of Julia Jones corroborates that of her husband.

The affidavit of Fred Bruce is, in effect, that some football boys, viz, James Thorpe and Gus Welsh, drank beer at the school while he was there; that liquor was brought there by a fellow employed in the quartermaster's office (meaning Stewart, assistant quartermaster, who has been known to be drunk on the grounds and not prosecuted); that the football boys James Thorpe and Gus Welsh were not punished; and another boy, a football player by the name of Williams, was drunk on the grounds and not punished. Said affidavit also indicates that the letter written by James Thorpe with regard to being a professional was prepared by Coach Warner.

The affidavit of Harry Roberts is with relation to his having been induced to go to Carlisle by Coach Warner to play football, for which he received pay. This was in the fall of 1911.

The records show that Harry Roberts, 23 years of age, was enrolled as a student at said school October 8, 1911, and discharged January 15, 1912. The books of the Carlisle Athletic Association show that he was paid \$75 per month, and he states that he did some clerical work in the superintendent's office; that he was placed in the office by Coach Warner; he did not attend school.

This affidavit of Harry Roberts shows conclusively that he was employed by Coach Warner to play or assist in football games at the Carlisle Indian School, for which he received a salary, paid from the athletic funds, and that during such period he was enrolled as a student at said school.

The testimony given by the young lady pupils of the Carlisle Indian School before the joint commission charged Miss Anna H. Ridenour, matron, with being harsh, cruel, unkind, and unjust to the girls. They said that she would not speak to them kindly but was harsh and rude toward them and that she was unjustly severe with many of the girl pupils and she had been the cause of having had expelled or sent home certain of the girl pupils without just cause, etc.

Miss Ridenour's predecessor was a woman of kindly disposition and was much loved by the girl students at Carlisle. It was evident that she treated them kindly and was a sort of a mother to them. They could and did go to her for motherly advice and were kindly and considerately treated. These girl pupils claim, as do also a large number of employees, that Miss Gaither, the matron, was unjustly treated by Supt. Friedman and compelled to transfer, which was very displeasing to the girl students. They regarded Miss Gaither very highly and desired her to stay, and when she was transferred and Miss Ridenour came to Carlisle as matron, they were not prepared to receive anybody who would take the place of Miss Gaither; so it is undoubtedly true that Miss Ridenour was not received very kindly by the girls. This, coupled with the information she received from the superintendent, made her harsh and severe toward the girl pupils.

Miss Ridenour is a good woman and undoubtedly means well, but she is unfortunate in her disposition. She is harsh and severe and a strict disciplinarian. She probably

felt that she had to be this way in order to properly control these girls. Many of these young ladies are refined, with high ideals, and they naturally resented such cruel treatment. They have not had the same feeling toward her as they had for the former matron; have not felt toward her like a mother or gone to her with their troubles, feeling that they could not do so. On occasions her severe discipline in putting girls in the lockup and keeping them there for some time; in permitting the whipping of Julia Hardin by Bandmaster Stauffer; in having had a personal altercation with one Rose Whipper, a student at said school; with having had Sylvia Moon expelled without just cause; and by her general harsh treatment of the girls, she has gained their ill will and enmity to such an extent that her usefulness at said school is a thing of the past.

The student boys have taken up the cause of the girls and every time they see Miss Ridenour on the campus, going to meals, or whatever the case may be, they hiss and jeer at her and yell "Put her out," and treat her very discourteously.

For these reasons, and believing also that it is in the best interests of Miss Ridenour herself, I recommend that she be transferred elsewhere and a good, kind-hearted, motherly woman be sent as matron in her place. This opinion is concurred in by the members of the joint commission.

Will H. Miller, financial clerk, has been employed at said Carlisle Indian School for many years. Aside from keeping books and accounts of the individual moneys of the pupils of said school, he has kept the athletic accounts and performed other services. He is faithful and obliging. I regard him as one of the best and most trustworthy employees at said school. His salary is but \$1,000 per annum, but for several years past he has been receiving an additional sum of \$35 per month, which was paid to him from the athletic funds. This payment of additional salary from the athletic funds will now undoubtedly cease, and for such reason I believe he should receive additional compensation. I therefore have the honor to recommend that his salary be increased to \$1,440 per annum and that he be retained as financial clerk under the superintendent who may take charge of said school.

I believe that if the "city school plan" were adopted at said school, whereby the pupils and officers of the various companies would govern their own student body, that conditions regarding the discipline of said school would improve. I believe that the majority of the student body are honorable and high-minded and that the right kind of a man as superintendent who would treat them kindly and appeal to their sense of honor and better natures would bring out the good and accomplish a wonderful work for good at said institution. They would be loyal if properly handled and would aid in having good discipline and suppressing liquor and in making this school, in fact as well as in name, an institution to be proud of.

Attention is also invited to the fact that Congressman Rupley had made complaint to the honorable Commissioner of Indian Affairs with relation to the proper conduct of said Carlisle Indian School, and he states that he did so solely in the best interests of the school and considered his communication a privileged one, and that shortly thereafter it became known to Supt. Friedman that he (Congressman Rupley) had filed complaint against the way said school was being conducted, and Supt. Friedman shortly thereafter had three of his friends, viz, Dr. A. R. Allen, of Carlisle, Pa., who was the temporary physician at said school; Rev. George M. Diffenderfer, to whom many payments, aggregating hundreds of dollars, had been paid out of the athletic funds; and Fisk Goodyear, all three residents of Carlisle, Pa., circulate a petition in the town of Carlisle and procure signers to same, which petition stated, in substance, that the conditions at said Carlisle Indian School were never better as to discipline, morals, health, food, use of liquor, etc.

I am also informed that these three men and the public press of Carlisle, Pa., and elsewhere, by words and publications, circulated false and damaging statements against Congressman Rupley and charged him with being an enemy to Carlisle, trying to injure the school, etc., which conduct on the part of Supt. Moses Friedman was highly improper and unjust, and done with the intention of reflecting unjust criticism and discredit upon said Congressman A. R. Rupley; and, further, that Supt. Moses Friedman made wrongful use of the information he thus obtained from Government sources for the purpose of injuring Congressman A. R. Rupley.

SUMMARY.

It is herein shown by the testimony of the farmers, gardeners, dairymen, carpenters, mason, carriagemaker, shoemaker, tailor, tinner, blacksmith, painter, engineer, seamstress, disciplinarian, assistant disciplinarian, former disciplinarian, principal of the school, various teachers; by 14 boys and girls representing the student body; by the outgoing matron, girls' field agent, certain clerks, former employees of said school, and others, that Supt. Moses Friedman has not the best interests of the

Government at heart or the welfare of the student body of said Carlisle Indian School; that he has been neglectful of his duties in properly supervising and looking after the various industrial departments of said school; that he has neglected the best interests of the student body in not having them taught agriculture, gardening, farming, dairying, poultry raising, horticulture, etc.; that he has been neglectful of his duty in not having boys properly selected and detailed to the various shops and industries, such as the tailor shop, paint shop, carpenter shop, blacksmith shop, carriage-maker shop, shoemaker shop, and tin shop, for a sufficient length of time to enable them to learn the trades; that he took no personal interest in such matters, but allowed these details to be made haphazard by the disciplinarian without any regard whatever to the qualifications of the boys or their desire to learn certain trades, and permitted them to be shifted from one shop to another and to the farms, kitchen, and on outing, to the detriment of and against the best interests of the future welfare of these boys.

It is also herein shown that the students did not have sufficient to eat; that there was generally a lack of bread on the tables prior to my coming to Carlisle; that there was an insufficient number of knives, spoons, cups, and tableware, all of which was caused by the neglect of Supt. Friedman.

It is also shown that the Government rations allowed could and should have been properly supplemented by vegetables, which could and should have been raised at the school and which would have provided education and employment for the pupils as well; that there are no vegetables, no milk, eggs, pork, or other articles of food being served to supplement said ration; that butter is furnished only once a week; an insufficient quantity of sirup twice a week and a little canned fruit occasionally; that the pork raised at said school and the lard has been sold and the moneys placed in class 4 fund and used for purposes other than for the tables of the pupils.

It is also shown that the mattresses on the majority of the beds in the dormitories were unfit for use; hard, packed down, and matted from years of use and should have been condemned and replaced by new mattresses; that but one towel a week was furnished for each pupil for face and bath; that the general conditions in the dormitories were not good.

It is shown that on my arrival the discipline of said school was very bad indeed; that there was almost open rebellion among the student body against the superintendent of said school, which had been brought about by lack of proper cooperation with employees; lack of sympathy and unjust treatment of certain members of the student body; unjust treatment of certain employees; lack of individual interest in the pupils or their welfare; lack of proper details to the various industries; lack of proper night watchmen; lack of any human side or fatherly interest in the welfare of this student body.

It is further shown that football and athletics were allowed to predominate and obtain first place at said school, and that the academic, educational, industrial, agricultural training, etc., of the student body were in consequence allowed to suffer and were made a secondary consideration.

It is shown by reference to Exhibit I that Supt. Friedman used and permitted the athletic funds of said school to be improperly used.

It is shown that professionalism was employed in the athletics of said school and the football players were brought back to said school and enrolled as members of the student body for the express purpose of playing football and taking part in athletics.

It is shown that the football players of said school received payments in cash or indirectly in some other manner.

It is shown that Supt. Friedman had students of said school put in the county jail, Cumberland County, Pa., some for trivial offenses, such as stealing pies, and treated others unjustly in violation of the law, viz, the case of Paul Jones and Ethel Williams.

It is shown that Supt. Moses Friedman permitted corporal punishment at said school and encouraged same—as an example the whipping of Julia Hardin by Bandmaster C. M. Stauffer and the whipping of four boys in the jail by Mr. Dickey, acting disciplinarian.

It is shown by the testimony of former Printer E. K. Miller that liquor has been served at the Carlisle Indian School in the home of Supt. Friedman and that beer has been delivered on the grounds at the homes of Coach Warner, Bandmaster Stauffer, and Clerk Nori.

It is shown that favoritism was shown toward the football players and certain employees, and that certain football players who were intoxicated and brought liquor on the grounds were not disciplined, while others have been severely disciplined for trivial offenses—viz, the putting of the boys in the county jail for stealing pies.

It is shown that the school records have been falsified, and that prior to the date of the last investigation by Supervisor Charles F. Pierce, February 20, 1911, pupils had been carried on said rolls for a period of upward of 22,000 days when they were not in attendance, some of whom had been absent for periods as long as 5 years. In this connection I desire to refer to testimony of the joint commission, pages 226 to 231, inclusive.

It is shown that former students and graduates of the Carlisle Indian School who sought employment within the arbitrarily fixed lines of the Carlisle Outing System were improperly treated by Supt. Friedman and made to lose their jobs.

It is shown that Supt. Moses Friedman has lost the respect, confidence, and good will of practically the entire student body, as well as of the majority of the employees of said Carlisle Indian School, and that he is unsympathetic and overbearing in his conduct toward the pupils and certain of the employees; that his management of the school is inefficient in practically every department.

It is shown that the outing system has been exaggerated and abused; that pupils have been forced on outings at a nominal wage against their best interests.

It is shown that there are a large number of pupils enrolled at said school when they have public school facilities at home and who were attending public school prior to coming to Carlisle, and it is my best judgment that these schools should accommodate Indian pupils who have not the advantages of public schools at their homes.

It is shown that the records have been falsified with relation to pupils who have been sent home or expelled.

It is shown that the morals of said school have been very bad and that a large number of girl students were ruined, caused, generally, by the boys breaking into the girls' dormitory building, because of lack of proper night watchmen and proper policing of the grounds, through the neglect and lack of proper administration of Supt. Moses Friedman.

It is shown that Supt. Moses Friedman has presented false accounts to the Government in that he has charged and collected railway fares for certain trips which are embraced in his Government vouchers, when he used mileage for the identical trips that was bought and paid for out of the athletic funds of the Carlisle association.

In view of the foregoing I have the honor to recommend that Supt. Moses Friedman be dismissed permanently from the Government service.

CHIEF CLERK J. S. NORI.

While making my investigation, I became suspicious that all was not just right with Chief Clerk J. S. Nori. It had come to my knowledge that he had likely been living beyond his salary, and rumors were afloat connecting him with certain women in the town of Carlisle.

He is a competent chief clerk, writes a good hand, keeps a nice set of books, records, etc. The Government accounts, on their face, appear to be all right, and I began making such investigation and inquiry as would develop anything to show where he might have procured moneys for which he rendered Government vouchers and accounts.

I ascertained that Financial Clerk Will H. Miller had on a very large number of occasions turned over moneys to Chief Clerk Nori for the purchase of railway tickets for various pupils. These railway tickets might be to pay the transportation of pupils either to their homes from Carlisle or from their homes to Carlisle, or both, and this cash so turned over to Chief Clerk Nori by Financial Clerk Will H. Miller was in some instances charged to and paid by the athletic association funds, and in other cases these moneys were advanced from and charged to the individual account of the pupil if he had funds to his credit. Thus checks would be drawn and signed by the pupil and charged against his individual account, or a check would be drawn against the athletic association funds, and in most every instance these checks were cashed and the cash turned over to Chief Clerk Nori to purchase the railway transportation for such pupil.

I was suspicious that there might be instances developed wherein the transportation of the pupil was charged against the Government and Government voucher and account rendered covering such transportation, and that some of the moneys thus turned over to Chief Clerk Nori might have thus been retained by him.

I found that to go into this matter thoroughly it would take a large amount of time and checking, because it would necessitate going into each individual account and picking out all the transportation charges, as also from the athletic association books, and then picking out all the transportation vouchers from the superintendent's accounts as rendered for the past several years, in order to make a proper checking.

I did not have the time to go into this matter thoroughly myself, and therefore I instructed the financial clerk, Will H. Miller, and Clerk Harvey K. Meyer, in both of whom I have confidence, to take this matter up and check it thoroughly just as soon as they could find time, and advise me of their findings.

I am now in receipt of a letter, dated March 10, 1914, Carlisle, Pa., from Financial Clerk Will H. Miller, in which he indicates that Chief Clerk Nori is loath to turn over the Government vouchers to him and Mr. Meyer for the purpose of checking, but that he did turn over some vouchers and that a check on the first one of them showed that three items appearing on said voucher as being paid by Government check had heretofore been paid by Mr. Miller, financial clerk, and the moneys charged either against the individual Indian account of the pupil or against the athletic association funds. This cash turned over by Financial Clerk Miller to Chief Clerk Nori he kept an account of, but did not take Chief Clerk Nori's receipt for same.

I am well satisfied in my own mind that Financial Clerk Miller has been absolutely honest in this matter, and that he has turned over these moneys to Chief Clerk Nori, for which the chief clerk, in some instances, has rendered Government vouchers and accounts and has retained the cash thus turned over for his own use and benefit. Of course, this has to do with the accounts of Supt. Moses Friedman, and I am satisfied that quite a large amount of money which has been turned over to Chief Clerk Nori has not been accounted for, but that the Government has paid the identical transportation which has been paid to him and charged against the accounts of the individual pupil, or paid by the moneys of the athletic association fund.

I, therefore, deem it wise to return at once to Carlisle and thoroughly check this class of accounts and make supplemental report covering same.

I am satisfied this will further complicate the accounts of Supt. Friedman and that he is likely to have quite a large amount to reimburse to the Government, and that this will develop that Chief Clerk Nori is likely to be dishonest and unfit to further remain in the Government service. Mr. Nori is an Indian—from Laguna, N. Mex., Pueblo.

RECOMMENDATIONS.

That Moses Friedman, superintendent, be permanently dismissed from the Government service, for the many reasons herein set forth.

That Claude M. Stauffer, musical director, be permanently dismissed from the Government service.

That Glenn S. Warner, athletic coach, be dismissed, in the best interests of the school. (He is not a Government employee.)

That the transfer of Miss Anna H. Ridenour, matron, be made, in the best interests of the Carlisle Indian School and the Government service.

That Mr. John Whitwell, principal, be retained in the best interests of said school.

That corporal punishment at said school be abolished, and that proper reprimands be given to David H. Dickey, boys' field agent, for whipping boys, and to Wallace Denny, assistant disciplinarian, for striking boy pupils with his fist.

That the salary of Will H. Miller, financial clerk, be increased from \$1,000 to \$1,440 per annum, and that he be retained. This is about the same salary that he has been receiving with the extra compensation heretofore paid from the athletic fund.

That an order be issued whereby all boy pupils must wear their uniforms when they visit the town of Carlisle, or any other city away from the Carlisle Indian School; this to advertise that they are students of the school and prevent their obtaining liquor, etc.

That special liquor officers be sent to Carlisle, under cover, frequently, to secure evidence against bootleggers and saloonkeepers who sell liquor to the Indian boy pupils.

That proper night watchmen, white men, at least two good officers, be placed on the rolls and properly police said school grounds.

That proper fire escapes be placed on the girls' dormitory building, leading from the second story to the ground.

That students be not placed in the county jail, except under extenuating circumstances and for crimes wherein the State should step in and take charge.

That certain of the industrial teachers be provided with quarters on the grounds in which to live, as are provided for the other employees.

That the suits and clothing of the boys be properly looked after and mended, cleaned and pressed, instead of being discarded and sold for rags, as heretofore.

That the old worn-out mattresses be replaced with new mattresses, and that the pupils be furnished with bath towels and a sufficient number of face towels; that the bed linen be changed at least once a week, entirely, and changed oftener when found necessary.

That the salary of Robert B. George, tinsmith, be increased.

That the salary of Sadie A. Richey, assistant cook, be increased.

That the salary of Elizabeth Searight, assistant seamstress, be increased.

That the salary of Ramond Reneker, baker, be increased.

That C. B. Behney, former employee, be not reinstated.

That the surplus small clothing, unnecessary at this school, be shipped to some other school.

That the bill of Detective George W. Shuler be not paid.

That the moneys derived from the athletic sports be handled by the superintendent and properly accounted for.

Do not believe there is any justification for Supt. Friedman's charges against Roy L. Mann, teacher.

While not proven, believe Supt. Friedman to be responsible for the false charges published against Gen. R. H. Pratt in the Philadelphia Ledger.

That the Government ration at said school be increased because of lack of vegetables, milk, butter, eggs, etc., and that the pupils be given enough to eat; that the dining-room tables be supplied with a sufficient number of knives, spoons, cups, and dishes for each individual pupil.

That the greater portion of the pork raised and fattened at said school be used on the school tables, or in lieu thereof other articles to the value of the pork sold.

That the garden be increased from 6 to 80 acres.

That the dairy herd be increased to double its present size.

That the poultry be increased.

That horticulture be engaged in; the raising of small fruits and the setting out of apple and other fruit trees.

That special attention be given to the qualifications and wishes of the boys to learn the trades; that details be made for a sufficient length of time to enable the boys to learn the various trades, and that individual attention be given to the pupils.

That a sufficient number of boys be detailed to the various trades and industries, and to the farms, garden, dairy, etc., to enable them to receive proper instructions and perform the work in a satisfactory manner and learn the various trades and arts.

That first consideration be given to instruction in farming, gardening, dairying, etc.

The members of the Joint Commission to Investigate Indian Affairs, who took the testimony at the Carlisle Indian School, join with me in the recommendation of the dismissal of Supt. Moses Friedman, Claude M. Stauffer, musical director, and the transfer of matron, Miss Anna H. Ridenour.

I have not consulted with the joint commission about the other recommendations, but I feel quite sure that it is the judgment of said commission that Coach Glenn S. Warner should not be retained at said school, and I believe they would cooperate and join with me in these other recommendations as herein set forth, if they had knowledge of same.

I have the honor to remain, very respectfully, your obedient servant,

E. B. LINNEN, *Inspector.*

I also return herewith to the Commissioner of Indian Affairs certain papers and data which he furnished me prior to my going to Carlisle, having a bearing on this investigation. E. B. L.

WASHINGTON, D. C., March 23, 1914.

HON. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: Under instructions dated March 12, 1914, from the honorable Secretary of the Interior, I was directed to again return to Carlisle, Pa., and make a general investigation of the accounts of the United States Indian School located there, and I now have the honor to make supplemental report to my report addressed to the honorable Secretary of the Interior dated February 24, 1914, as follows:

As stated in my original report I was suspicious that further accounts on file at the said Indian school were false, and it was my opinion that Chief Clerk S. J. Nori had prepared for presentation to the Government false accounts and vouchers, and that he had vouchered certain pupils at said Carlisle Indian School for railway tickets which the Government had no right to pay and had retained the moneys deposited by those certain pupils for their railway tickets.

This matter of moneys derived from individual Indian or pupil's accounts involved a search of between six and seven hundred individual accounts and the checking of all transportation vouchers to ascertain whether pupils had deposited moneys for railway tickets which were afterwards vouchered to the Government.

I was assisted in such checking by the financial clerk, Will H. Miller, and by Clerk Harvey K. Meyer. After several days of checking and discovering quite a number

of false accounts and vouchers, it became apparent that certain of the records of said Carlisle Indian School were missing, some of which we remembered having seen on prior occasions while engaged in this checking, and I became convinced that some person was engaged in destroying certain evidence with relation to these false accounts. I did succeed, however, in securing evidence showing duplications of payments on 16 vouchers involving 39 subvouchers wherein payments had been made by the pupils to Financial Clerk Will H. Miller, and such moneys turned over by him to Chief Clerk S. J. Nori for the purchase of railway tickets for various pupils wherein the Government was not authorized to pay for such transportation.

These moneys were retained by Chief Clerk Nori and governmental vouchers prepared and the transportation charged up to the Government in the accounts and vouchers of Superintendent M. Friedman.

A list of the false vouchers and subvouchers which I prepared is embraced on four typewritten pages which I inclose herewith and mark "Exhibit A," and invite your attention to same. This list aggregates a total of \$909.59.

I then put Chief Clerk S. J. Nori under oath and after a short time succeeded in obtaining his full and complete confession regarding all of these transactions. The substance of his two affidavits which I attach together and mark as one exhibit, being "Exhibit B," to which your attention is respectfully invited, is as follows:

Chief Clerk Nori states that he has been chief clerk and had charge of the books and the preparation of the accounts and vouchers during all of Supt. M. Friedman's administration at the Carlisle Indian School. He states that he has prepared, under the direction of M. Friedman, superintendent, false vouchers and accounts for presentation to the Government, and that he commenced making said false vouchers under instructions from Supt. Friedman soon after he assumed charge at said school.

During vacation periods, when certain pupils would return to their homes prior to the expiration of their term at school, they would deposit moneys for the payment of their railway tickets to and from their homes, the Government not being authorized to pay such transportation and paying only their transportation when they first came to said school for enrollment and paying their transportation home from said school after their term had expired. These moneys were deposited by the various pupils with Financial Clerk Will H. Miller, who turned over such moneys in cash to Chief Clerk S. J. Nori, who was to purchase the railway transportation for such pupils. He swears that in many instances he did not use such money so deposited by pupils and turned over to him by Financial Clerk Will H. Miller, but retained same and presented false vouchers to the Government for said railway transportation for these various pupils, and that a large majority of all such moneys so received from Will H. Miller, financial clerk, he turned over to Supt. M. Friedman, and at Supt. Friedman's request prepared these false subvouchers and vouchers, and included same in the accounts of Supt. Moses Friedman, who swore to same.

Clerk Nori says that he believes he turned over between eight and nine hundred dollars in cash to Supt. M. Friedman, which moneys he had received from Financial Clerk Miller, same having been deposited with Financial Clerk Miller by various pupils to pay their railway transportation. Clerk Nori states that he made these false subvouchers, vouchers, and accounts with the knowledge of and at the request of Supt. Moses Friedman, who subsequently swore to said accounts and presented them to the Government for payment. He swears that he did this at the special request of Supt. Friedman, who asked him to fix up these accounts in this manner and thereafter, during my investigation at said Carlisle Indian School, Supt. Friedman asked him, Nori, to fix up said accounts, knowing that they had been wrongfully prepared and presented for payment at his request.

Chief Clerk Nori swears that he told Supt. Friedman he didn't think they could be fixed up now because they had been rendered, but Supt. Friedman told him to fix them up anyhow, and told him he was liable to be dismissed; and from the talk he had with Supt. Friedman he had the understanding that Supt. Friedman meant for him to destroy all evidence of receipts that were given to Financial Clerk Miller and such other papers as would have any bearing on the matter; that he took it from the talk he had with Supt. Friedman that he was to destroy all evidence in the nature of receipts that would implicate either Supt. Friedman or himself; and that following out that understanding with Supt. Friedman he took certain receipts and Government papers from the official files of the financial clerk's office and destroyed the same; that he searched these records on two various evenings after office hours, went through the files and took therefrom all receipts and papers that had any connection with these false vouchers, and took them to his house on the campus at the Indian school and burned said papers in his stove.

He states that he took from the office files some 15 or 20 receipts and Government papers and burned them in the stove at his house and that thereafter he told Supt. Friedman that he had gotten away with the evidence and had destroyed it.

Chief Clerk Nori says he would not have taken and destroyed these Government receipts and papers except at the suggestion, encouragement, and request of Supt. M. Friedman.

Chief Clerk Nori also states that he prepared for presentation to the Government false vouchers and accounts at the request of Supt. M. Friedman which were for his, Friedman's, personal accounts and traveling expenses, knowing at the time that Supt. Friedman was using mileage bought and paid for by the funds of the Athletic Association of the Carlisle Indian School.

Chief Clerk Nori testifies that when Supt. Friedman and his wife made their western trip to California some two or three years ago that he prepared vouchers at the request of Supt. Friedman to cover his personal expenses on said trip, which included transportation purchased by the Carlisle Athletic Association funds. He also swears that he prepared at the request of Supt. Friedman false vouchers and accounts including railway transportation for certain students who never made the trips or used the transportation.

He testifies that the amount of moneys which Supt. Friedman would likely get credit for from the Government by reason of having presented false vouchers in his accounts for transportation of pupils which had never been purchased or used would likely aggregate more than \$500.

He also swears that certain vouchers show tickets for certain pupils to read to places other than their homes, where tickets were not procured, which were vouchered to the Government. He swears specifically that the items falsely vouchered as contained on "Exhibit A" herewith were prepared by him under the direction of Supt. M. Friedman. He testifies that 18 or 20 receipts which he destroyed contained probably as many as 250 names of pupils whose railway tickets had been vouchered to the Government, and these lists or receipts would aggregate from \$150 to \$350 each, and that probably one-half of the names were the names of pupils who had deposited money to pay for railway transportation whose transportation was vouchered and paid for by the Government. He believes that transportation so vouchered, the names of which were contained on these receipts which he destroyed would probably aggregate \$600 or \$700; that some of the tickets would run from \$30 to \$50 each according to the location of pupils in the West. He believes the total aggregate of moneys turned over to him by Financial Clerk Miller and the moneys which were received by the superintendent for rendering Government vouchers for tickets which were never purchased would aggregate from \$1,500 to \$2,000. He states that the large majority of this money, practically all, with the exception of about a hundred dollars which he believes his wife, Mrs. Nori, once used on a western trip, and moneys for postage, car fare, and incidental expenses which he personally spent, in all aggregating probably \$200, and the other moneys so received were turned over to Supt. M. Friedman.

Chief Clerk Nori also swears that about \$200 turned over to him by the quartermaster, August Kensler, which were class-4 funds derived from the sale of rags, old iron, bones, etc., was never entered on the books or accounts of Supt. Friedman, but such moneys were turned over to Supt. Friedman by him. He also swears that he knows that Quartermaster August Kensler paid about \$270 out of such class-4 funds for furniture for Supt. Friedman's house, said funds never having been turned over to him as chief clerk by Quartermaster Kensler and never having been accounted for to the Government.

He also swears that certain curtains, rugs, furniture, electric fixtures of various kinds, which were for Supt. Friedman's house were vouchered to the Government as being purchased for guest rooms, etc., when they were for Supt. Friedman's personal use; that these amounts would aggregate \$200 or \$300.

He further swears that during the time of Inspector McLaughlin's visit at Carlisle School about three years ago that he had at that time between \$500 and \$600 cash on hand which was in an envelope in the safe in his office, which moneys had been received from Will H. Miller, financial clerk, to purchase tickets for various pupils and a portion of such moneys from August Kensler, quartermaster, from the sale of Government property such as rags, bones, old iron, copper, etc., which should have been class-4 funds but were never so deposited or taken upon Government accounts; and that at the request of Supt. M. Friedman he made an itemized list of these moneys showing from what source received and for what purpose and turned said moneys over to Supt. M. Friedman; that he did not take receipts from Supt. Friedman for the moneys he turned over to him on this and other occasions. Supt. Friedman told him he would hold this money until Inspector McLaughlin left, and that he has never seen any of it since and he does not know what disposition he made of it. He states that it was his custom at the end of each month to turn over to Supt. Friedman the moneys he had received from Financial Clerk Miller for the purchase of railway tickets.

Chief Clerk Nori states that after destroying these Government records at the request of Supt. M. Friedman he advised said Friedman of same and told him he had destroyed same.

When it became known to Supt. M. Friedman, or he suspected that Chief Clerk Nori had confessed to me, and knowing well that it implicated himself, Supt. M. Friedman had a warrant sworn out for the arrest of Chief Clerk Nori, charging him with embezzlement of several hundred dollars and also with destroying Government records. Chief Clerk Nori was arrested and taken before a justice of the peace in the borough of Carlisle and his bond fixed at \$1,000, which was given, and he is now out on bail.

Supt. Friedman also had a search warrant gotten out for the searching of the premises of Chief Clerk Nori for the Government papers and records which Chief Clerk Nori had burned up and had, as he states, informed Supt. Friedman that he had destroyed same.

The case is set for a hearing before Justice of the Peace Hughes, of Carlisle, at 10 o'clock a. m., March 26. It is my belief and best judgment that inasmuch as these are Government accounts and Government records which were destroyed that the local and State courts of Pennsylvania have no jurisdiction. It is also my belief that Supt. M. Friedman was wholly unwarranted in swearing out a warrant for the arrest of Chief Clerk Nori for embezzlement and having a search warrant issued to search his house for missing records, the matter being one entirely for the Government to act in.

It would thus appear that Supt. M. Friedman is trying to becloud the issue; trying to take the jurisdiction out of the hands of the honorable Commissioner of Indian Affairs and the Department of Justice, and trying to prejudice the public against Chief Clerk Nori and to discredit him in every way, being fearful that Chief Clerk Nori, who has confessed, will act as a witness against him if this matter ever comes to an issue.

Quartermaster Kensler made affidavit before me under oath, in which he states in substance that during the years 1908, 1909, and 1910 that he knows that there were certain moneys which were derived from the sale of rags, bones, iron, etc., which he turned over to Chief Clerk Nori that were never taken up in the accounts. He also swears that out of this class of moneys, which was properly class 4 moneys and which was not accounted for by Supt. Friedman, that he paid the sum of \$271 out of such funds in cash for certain furniture for Supt. Friedman's house. He swears that the moneys derived from such Government sales, which were class 4 moneys, which were not taken up on the books and accounts of Supt. Friedman would aggregate between \$400 and \$500.

Quartermaster Kensler also testifies that other class 4 moneys which should have been received and accounted for from the sale of cement sacks, etc., were not taken up, but that the money from such sales was used to purchase articles for use in the carpenter shop, and that this would amount to between \$50 and \$60; that this transaction was had with Bixler & Sons, hardware dealers of Carlisle, Pa.

This affidavit of Quartermaster Kensler I inclose herewith and mark "Exhibit C," and invite your attention to same.

In my search of the receipts of the Carlisle Athletic Association, I found further mileage and railway transportation which had been purchased for M. Friedman, superintendent, not mentioned in my former report, as follows:

Mileage and transportation purchased of the Cumberland Valley Railroad Co. for Supt. M. Friedman, and paid for from the funds of the Carlisle Athletic Association.

Dec. 20, 1908, 1 1,000-mileage book, No. 771439.....	\$20.00
Oct. 5, 1909, 1 1,000-mileage book, No. 18789.....	20.00
Dec. 5, 1909, 1 1,000-mileage book, No. 104637.....	20.00
Oct. 19, 1909, 1 1,000-mileage book, No. 104180.....	20.00
Oct. 19, 1909, 2 tickets, Carlisle, Pa., to New Paltz.....	14.02
Feb. 18, 1910, 2 1,000-mileage books, No. 125133-125134.....	40.00
Mar. 3, 1910, 1 1,000-mileage book.....	20.00
July 17, 1910, 1 1,000-mileage book, No. 309099.....	20.00
July 19, 1910, 1 1,000-mileage book, No. 309625 (paid by athletic association check No. 2092).....	20.00
Sept. 24, 1910, 1 1,000-mileage book, No. 298486.....	20.00
Sept. 24, 1910, 1 ticket, Carlisle, Pa., to Louisville, Ky. (paid by athletic association check No. 2154).....	16.68
Oct. 14, 1910, 1 1,000-mileage book, No. 458130 (paid by check, athletic association, No. 2221).....	20.00
Oct. 17, 1910, 2 1,000-mileage books, No. 458143-458144.....	40.00
Oct. 17, 1910, 2 tickets, Carlisle, Pa., to New Paltz, N. Y. (paid by check, Athletic Association, No. 2221).....	14.02
Nov. 5, 1910, 1 1,000-mileage book, No. 458414 (paid by athletic association check No. 2260).....	20.00
Jan. 16, 1911, 1 1,000-mileage book (paid by athletic association check No. 2351).....	20.00
Feb. 11, 1911, 1 1,000-mileage book, No. 572318.....	20.00
Oct. 3, 1912, 2 tickets, round trip, Carlisle, Pa., to Columbus, Ohio.....	43.12

The accounts of the Carlisle Athletic Association also show that the sum of \$56.86 was turned over by Financial Clerk Will H. Miller to Chief Clerk S. J. Nori by Athletic Association check No. 2412, to pay for two railroad tickets for Supt. Friedman and wife, from Carlisle, Pa., to Lawrence, Kans.; at the same time the Government voucher No. 179, of the third quarter, 1911, shows that Supt. Friedman charged this transportation for himself, viz, the sum of \$28.43 to the Government, and collected payment for same, when this amount was paid to him by the Carlisle Athletic Association funds.

The railroad transportation above noted aggregates a sum total of \$407.84, which, together with mileage purchased for Supt. M. Friedman from athletic association funds, is embraced in my original report, aggregating a sum of \$580, is \$987.84 all told, transportation which was bought for Supt. M. Friedman from Carlisle Athletic Association funds, expenses for some of which traveling he vouchered to the Government.

I inclose also Cumberland Valley Railroad bills for transportation furnished Gus Welsh, Sam Bird, James Thorpe, Peter Jordan, and Joel Wheelock, football players, aggregating a sum total of \$270.94.

These additional bills of the Cumberland Valley Railroad Co. for transportation are attached together and marked as one exhibit, being Exhibit "D."

Inasmuch as the majority of these mileage books delivered to Supt. Friedman are numbered I am well satisfied that if I were again to check with the auditor's office of the Cumberland Valley and Pennsylvania Railroads, I could show that some of this mileage was used by Supt. Friedman for further trips and transportation which he has vouchered the Government.

While making a further investigation of the bills rendered to the Carlisle Athletic Association, I discovered the following additional expenditures for Supt. M. Friedman:

July 13, 1910, The Outlook for Mr. Friedman.....	\$3. 00
July 13, 1910, The Sentinel for Mr. Friedman.....	6. 25
Paid by athletic association checks No. 2071-2072.	
Mr. Friedman's expenses to Washington, May 16-17, paid by athletic association check No. 3377.....	22. 00
Annual dues for M. Friedman to American Association for the Advancement of Science, paid by athletic association check No. 3599.....	3. 00
Expenses of M. Friedman to Washington, Mar. 4 and 5, 1913, paid by athletic association check No. 3279.....	26. 00
New York Times for M. Friedman, paid by athletic association check No. 3249.	8. 50
December, 1912, expenses of M. Friedman to Philadelphia, for Pullman, meals, theater tickets, etc., paid by athletic association check No. 3172....	22. 00
Volume of "Who's Who in America," A. N. Marquis & Co., Chicago, Ill., for M. Friedman, paid by athletic association check No. 3024.....	4. 75
Dues of M. Friedman to the National Society of Industrial Education, paid by athletic association check No. 2849.....	2. 00
Nov. 21, 1911, expenses, M. Friedman to Harvard game at Boston.....	48. 00
Expenses, M. Friedman, football season, 1910, paid by athletic association check No. 2314.....	211. 00
Feb. 5, 1912, New York Times for M. Friedman, paid by athletic association check No. 2857.....	8. 50
Expenses to Columbus, Ohio, Society of American Indians, M. Friedman (portion of this expense is Hotel Raleigh bill, Washington, D. C.), paid by athletic association check No. 3138.....	75. 65
Nov. 3, 1911, M. Friedman, Bellevue-Stratford Hotel, Philadelphia, paid by athletic association check No. 2747.....	55. 00
Nov. 15, 1912, M. Friedman, Bellevue-Stratford Hotel, Philadelphia, paid by athletic association check No. 3139.....	69. 20
Expense to Philadelphia, M. Friedman, July 17-18.....	17. 00
Expense to Philadelphia, M. Friedman, July 9; to Washington July 12 and 13.	22. 00
Nov. 30 and Dec. 1, expense to Philadelphia.....	24. 00
Jan. 26, 27, and 28, expense M. Friedman to Washington.....	27. 00
Jan. 3, 1910, M. Friedman, Piper's Book Store, Carlisle, daily and Sunday papers.....	4. 75
Apr. 27, 1912, M. Friedman, expense to Washington, paid by athletic association check No. 2929.....	58. 60
Dec. 16, 1911, M. Friedman, expense to Washington, paid by athletic association check No. 2848.....	42. 20

These additional expense accounts I attach together and mark as one exhibit, being exhibit "E."

I also inclose two receipts showing the character of some of the papers which Chief Clerk Nori destroyed. These I attach together and mark as one exhibit, being exhibit "F."

It appears that Supt. M. Friedman and Musical Director Claude M. Stauffer have been busy trying to have employees and pupils on the grounds sign papers which they have prepared in their behalf. It also appears that they procured a notary public in Carlisle, Pa., who by his persistent efforts to procure signers to his petitions in favor of Supt. Friedman and Claude M. Stauffer made himself quite obnoxious to a majority of the employees and some of the students, who threatened to throw him off the grounds if he persisted in his actions.

Miss Anna M. Ridnour, the girls' matron, took Julia Hardin out of line one evening when she should have gone to the study room and brought her to her room in the girls' building. This is the same young lady who was cruelly whipped by Claude M. Stauffer and who has heretofore testified before the joint congressional committee and myself. In the matron's, Miss Ridnour's, room that evening was this notary public and Claude M. Stauffer, and also a stenographer, Miss Herman. Miss Julia says that when she went into Miss Ridnour's room she was directed to sign a paper which had all been written out; that Miss Ridnour directed her to do so; that she did not read it; that it was not read to her; and she did not know the contents of said paper.

Subsequently on two occasions Miss Ridenour, the matron, again brought Julia Hardin to her room and tried to have her sign an additional statement in favor of Claude M. Stauffer, bandmaster, who had whipped her, which statement Miss Julia Hardin states as prepared for her signature was untrue. They cautioned her to say nothing about the matter. She refused to sign any additional papers and does not know the contents of the first paper which she signed. They told her they had destroyed the paper which she originally signed and wanted her to sign this additional paper which they had prepared, the contents of which she said was untrue, as it contained many statements which were false.

She stated that Miss Ridenour told her that I, the inspector, had told her (Miss Ridenour) everything that she (Julia Hardin) had testified to before the joint congressional committee and myself and told here that the statement she made before said committee and myself under oath was false, and they used this and other means to induce her to sign a statement the contents of which was untrue and known by them to be untrue, as same contained statements, she says, even to the effect that Mr. Whitwell, the principal, had kicked her.

She states that since she refused to comply with the request of the matron, Miss Ridenour, that she has been treated unjustly and cruelly by her and has been degraded; has had her conduct card returned as being poor, and in other ways she has shown her displeasure toward this pupil.

Julia Hardin states that she was not sworn to by the notary public or any other person when she signed the original paper at the request of the matron, Miss Ridenour, which they told her they had destroyed.

I took the affidavit of Miss Julia Hardin covering this matter which I inclose herewith for your information and mark "Exhibit G," and invite your attention to same.

From the foregoing it appears that the matron, Miss Ridenour, has been unduly active in attempting to coerce Miss Julia Hardin into signing papers in the interest of Bandmaster Stauffer, who whipped her, knowing well when she was doing so that Julia Hardin had testified before the joint congressional committee and myself, and I can not refrain from saying that such conduct on her part is reprehensible and that she should be properly censured for same. I further desire to emphasize the fact that the sooner that this matron, Miss Ridenour, is transferred from Carlisle the better it will be for said school.

The principal, John Whitwell, filed with me a letter dated Carlisle, Pa., March 18, 1914, with relation to the procuring of the signing of Julia Hardin by the matron, Miss Ridenour, and the action of Clarence Liggett, the notary public, in trying to secure signers at the Carlisle Indian School. This letter I mark "Exhibit H."

Gus Welsh, one of the football boys, made affidavit before me with relation to the letter signed by James Thorpe, former Carlisle student, with relation to his being a professional athlete, which letter he states was prepared by Coach G. S. Warner and Supt. M. Friedman. This affidavit I mark "Exhibit I."

Miss Herman, stenographer, also made affidavit with relation to Clerk Nori, which affidavit I inclose and mark "Exhibit J."

I inclose 29 slips showing payments of various pupils as turned over by Financial Clerk Will H. Miller to Chief Clerk S. J. Nori, which were vouched to and paid by the Government after these moneys had been paid by the pupils for their transportation and turned over to said Nori. These 29 slips I attach together and mark as "Exhibit K."

I also inclose letter from the Pennsylvania Railroad Co., dated Philadelphia, February 24, 1914, addressed to Mr. M. Friedman, signed by H. P. Conner, assistant treasurer, which has attached thereto individual Indian money check No. 20950, dated July 16, 1913, drawn in favor of the Pennsylvania Railroad Co. in the sum of \$8.68, signed by James Bearchild. The letter attached to this check explains itself. The money had once been paid to the Pennsylvania Railroad Co. for this ticket, and they would not indorse the check for second payment and return same to M. Friedman. As stated by Chief Clerk Nori in his affidavit before me, if this check had been indorsed by the Pennsylvania Railroad Co. and returned to Supt. Friedman he probably would have retained such moneys for his own personal use and benefit. This letter with check attached I mark as one exhibit, being "Exhibit L."

I checked from the cash book at said Indian school the amount of moneys which have been paid to outsiders for employment as carpenters, painters, steam fitters, and laborers from January 1, 1913, to January 31, 1914, a period of 13 months, and find that the sum of \$6,539 was paid for such outside help, when this work should very properly have been performed by the pupils at said school and they to have received the benefit of the instruction and trades. Instead of so doing, these young men who should have been learning these trades and had the benefit of this work were working on farms in the vicinity of Carlisle at a nominal wage, while over \$6,500 of the Government's funds was paid out for such work. This statement of such payments, aggregating \$6,539, I inclose, and mark "Exhibit M."

By letter dated Carlisle, Pa., March 21, 1914, 55 of the boys of the Carlisle Athletic Association addressed a letter to Hon. Cato Sells, Commissioner of Indian Affairs, protesting against the further employment of Athletic Director Glen S. Warner, for the reasons—

1. That he possesses a weak moral character.
2. That he continually uses profane and abusive language in the presence of the boys.
3. That the way in which he performs his duties, the small amount of instruction that he gives the boys, is not in proportion to the large salary that he is paid.
4. That the attitude he has shown toward the school, the influence and method that he has employed for the purpose of Mr. Friedman's retention as head of this institution, is injurious to the school and detrimental to good discipline among the student body.
5. That he has proven himself selfish, abolishing branches of athletics that he was not capable of coaching, such as baseball and basket ball.
6. That he in one instance used the football team for the purpose of gambling, betting heavily in the Dartmouth-Carlisle game, giving the boys a small per cent of the money which he had won.
7. That he is at the head of the athletic association in which the boys are supposed to have a voice, but through his influence and suppression they have been deprived of that privilege.
8. That he, as president of the association, has failed to perform his duty, as he allowed the officers of the same organization to use the association's money for their own enjoyment and for the entertainment of their friends.
9. That as a result of the foregoing statements we hold him to be dishonest and we can not respect him, holding him to be an incompetent leader.

This petition is signed by the leading football and athletic boys at said Carlisle Indian School, 55 in number.

In view of the foregoing, I again respectfully submit that Coach G. S. Warner is not a proper person to continue in the employment of said school as coach. This letter I inclose herewith and mark "Exhibit N."

The foregoing additional evidence proves conclusively that further false accounts have been submitted by Supt. M. Friedman, and the sworn testimony of Chief Clerk Nori is that he prepared said false vouchers and accounts under the direction of Supt. M. Friedman and that he also took from the files of said office official papers and burned them, also at the request of Supt. Friedman. The accounts of which I have absolute proof as contained in Exhibit "A" amount to \$909.59, for which false vouchers have been rendered. Chief Clerk Nori testifies that he had prepared vouchers and false accounts which would aggregate from \$1,500 to \$2,000 under the instructions of the superintendent.

In relation to Chief Clerk Nori I have to say I am advised that he has been at the Carlisle Indian School since he has been a little boy 6 years of age; that he received his education and training at said institution. He is a full-blood Indian, belonging to the Laguna, New Mexico pueblo. He, like most other Indians, has followed blindly the instructions of his superintendent and did largely as he was directed to do. While he is by no means blameless and is implicated in making these false accounts and vouchers and has admitted using some of such moneys for himself and his wife,

he swears positively that the major portion of said moneys was turned over by him to Supt. M. Friedman and that the Government papers he destroyed was at the request or suggestion of Mr. Friedman.

Supt. Friedman now attempts to make him the "goat" by having him arrested for embezzlement and by having his premises searched under a search warrant, when as a matter of fact Supt. M. Friedman has no evidence other than his own guilty conscience with relation to these false accounts and vouchers which have been prepared by Chief Clerk Nori under his direction. The search warrant was also a blind, as I believe, to throw dust in the eyes of the community, because Chief Clerk Nori states positively under oath that he had informed Supt. Friedman that he had destroyed these Government papers as he had requested.

It therefore follows that Chief Clerk S. J. Nori should be suspended at once and undoubtedly dismissed from the Government service, and I have the honor to recommend that indictments be secured against the guilty parties as here noted, if the facts herein presented will warrant, as I believe to be justifiable.

I inclose also triplicate copies of false vouchers filed by Supt. M. Friedman as follows:

Voucher No. 2, fourth quarter, 1908.
 Voucher No. 2, second quarter, 1909.
 Voucher No. 2, third quarter, 1909.
 Voucher No. 2, fourth quarter, 1909.
 Voucher No. 2, first quarter, 1910.
 Voucher No. 2, second quarter, 1910.
 Voucher No. 2, third quarter, 1910.
 Voucher No. 2, fourth quarter, 1910.
 Voucher No. 2, first quarter, 1911.
 Voucher No. 2, second quarter, 1911.
 Voucher No. 179, third quarter, 1911.
 Voucher No. 2, fourth quarter, 1911.
 Voucher No. 2, second quarter, 1912.
 Voucher No. 2, third quarter, 1912.
 Voucher No. 2, third quarter, 1913.
 Voucher No. 12, third quarter, 1913.
 Voucher No. 2, fourth quarter, 1913.

These 17 vouchers I tie together and mark as one exhibit, being Exhibit 0.

I have the honor to remain,

Very respectfully, your obedient servant,

E. B. LINNEN,
Chief Inspector Indian Service.

ATHLETIC FUNDS.

The rules and regulations of the Indian Office, approved by the Secretary of the Interior, which have the force and effect in law, specifically provide that the athletic funds be taken up in Class IV funds by the superintendent and special disbursing agent at each Indian school, and on each Indian reservation.

Under heading of Class IV funds, paragraph 289, in parentheses (g) appears the following:

"(g) School entertainments, band concerts, athletic contests, sales of curios or fancy articles manufactured by pupils, subscriptions to school journals or advertising therefrom, job printing, or any other like enterprise."

"No. 290. These funds should be taken up in the accounts as miscellaneous receipts, Class IV, agency; or miscellaneous receipts, Class IV, school, as appropriate. They may be held by disbursing officers for expenditure as provided in the succeeding section, and not to be covered into the Treasury except on a change of disbursing officers, or the filing of a new bond, when they must be deposited to the credit of the United States."

The last order pertaining to these miscellaneous receipts, Class IV, covering specifically moneys derived from athletic contests, is amendment No. 30 to the regulations, dated Washington, May 16, 1910, approved by the Hon. Secretary of the Interior, June 14, 1910, and has been on file in the superintendent's office, Carlisle, Pa., at all times since said date.

Section 242 of the Regulations of the Indian Office provides that "Public funds of all classes, no matter from what source received, must be immediately taken up in the agent's accounts. No expenditures whatsoever shall be made therefrom except by the authority of the department."

Section 250 and Revised Statutes, section 258, provides that, "If an agent deposits any public money in any place not designated for the purpose by the Secretary of the

Treasury, or unlawfully converts loans, transfers, or applies public money, he will be deemed guilty of embezzlement and shall be punished by imprisonment at hard labor for not less than 1 or more than 10 years," etc.

Amendment No. 30 to the regulations, dated May 16, 1910, approved by the honorable Secretary of the Interior, provides among other things that "Funds coming into the hands of disbursing officers from miscellaneous sources are divided into the following classes and must all be taken up and accounted for in compliance with the act of July 1, 1898 (30 Stat. L., 595), which provides that hereafter Indian agents shall account for all funds coming into their hands as custodians from any source whatever, and be responsible therefor under their official bonds.

Amendment No. 28 to accounts, dated March 23, 1909, provides: "Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection, and the said books shall remain in the office, * * * not to be removed from said reservation by said agent, but be safely kept and handed over to his successor * * *. Should any agent knowingly make a false entry in said books, or shall knowingly fail to keep a perfect entry in said books, as herein described, he shall be deemed guilty of misdemeanor, and for conviction by United States courts having jurisdiction of such offense, shall be fined," etc.

United States Statutes at Large, volume 36, part 1, page 1335, provides that falsification of accounts and making false reports by any officer, clerk, agent, or other person of any Government account, is guilty of felony, punishable by 10 years at hard labor. This is chapter 270, relating to Government employees. This act was approved March 4, 1911.

FEBRUARY 9, 1914.

HON. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

MR. COMMISSIONER: Some time ago, at the request of this commission, Inspector E. B. Linnen went to Carlisle, Pa., to investigate conditions prevailing in the Carlisle Indian School. A number of complaints had been filed against the management and conduct of the institution. On Friday last this commission visited Carlisle, made an inspection, and took testimony of a large number of witnesses, including several students and employees of the institution and citizens of the town of Carlisle. We regret to say that the affairs of this institution are in many respects unsatisfactory, and call your attention to same in detail, as follows:

1. The relationship between Supt. Friedman and the pupils generally appears to be strained and unfriendly. The same is true as to the feeling between the superintendent and the majority of the employees.

The testimony is conflicting as to the causes of this. Much of the evidence tends to show that the superintendent is unsympathetic and overbearing in his conduct toward the pupils. There is also testimony indicating that this attitude on the part of the pupils is encouraged by some of the employees. On some occasions large numbers of pupils have publicly hooted and jeered at the superintendent, calling him "Mose" and "Old Jew," and using other expressions of contempt. The superintendent seems to have lost the respect of the student body, and is unable to exercise a wholesome influence over them.

2. The general condition in the Carlisle institute as to discipline is unsatisfactory; there are now many cases of drinking among the pupils and occasional instances of intoxication which are very demoralizing in their influence. There are a large number of saloons in the town of Carlisle. Some of the pupils in the school have so little Indian blood that it is difficult to distinguish them from white persons, and it is claimed that these pupils are able to buy whisky and furnish it to the other pupils who are disposed to drink. The evidence discloses that many of the pupils who drink to excess have acquired the habit before entering the school. There is little effort to police the grounds. Many of the pupils secretly and in violation of the regulations go to town at night in citizens' clothing. Sometimes pupils appear in an intoxicated condition on the school premises. It would seem imperative that safeguards be taken to prevent the admission to the school of pupils who are in the habit of drinking. In this connection it is proper to state, however, that there has always been more or less drinking among the pupils. It appears to be more common now than heretofore.

3. There are many instances of flagrant immoral conduct among the pupils at Carlisle. Male and female pupils meet clandestinely, sometimes in the girls' quarters. A large number of female pupils have been expelled on this account. In some instances where expulsions were in fact made for this reason the records of the school appear to indicate that the pupil failed to return or was discharged for other reasons. This is one of the perplexing and important problems connected with the discipline

in the school. The superintendent thinks there are not more cases of this character than occur in any coeducational institution. The commission, however, regard this as erroneous.

4. Especial attention is called to the case of Ethel Williams and Paul Jones, who were arrested on a warrant procured by the disciplinarian of the Carlisle School, Mr. McKean, on a charge of fornication. These two pupils were placed in the county jail. They entered pleas of guilty and were sentenced to confinement for a period of 60 days. The laws of the State of Pennsylvania do not authorize imprisonment for this offense. The whole proceeding appears to have been irregular and indeed in violation of law. Paul Jones was confined for 70 days, and some information has reached the commission that during the entire time he was not provided with a change of clothing. Immediately upon the expiration of the jail sentence both pupils were sent away from the school.

5. Another instance which we regard as worthy of mention is the case of a pupil who was arrested on an affidavit sworn out by Principal Teacher Whitwal and confined in the jail, we believe, for a period of 30 days for "stealing" pies. The arrest in both of these cases were ordered by Supt. Friedman.

6. Especial attention is also called to the case of Julia Hardin, a pupil about 18 years old, who has an excellent record. She had agreed to go on an outing into the country, and when the matron instructed her to go she declined to do so on the ground that she was not provided with a trunk. Some delay was had, and the matron again instructed her to prepare to go on the outing. The young lady declined, and the matron attempted to coerce her. Bandmaster Stauffer, who is not directly connected with the discipline in the school, informed Supt. Friedman that he thought the girl ought to be "spanked," and the superintendent acquiesced in the suggestion, although he stated he was opposed to corporal punishment in any case. Mr. Stauffer, in company with the matron and one other employee, took Miss Hardin in a room, closed the blinds, and urged her to go on the outing. She refused, and Mr. Stauffer slapped her. According to his statement, she dropped down on her knees, he spanked her, pushed her over on the floor, and whipped her with a stick. According to his statement, he struck her 10 or 12 times. According to her statement, he threw her on the floor a number of times, struck her in the face with the stick, beating her very severely, and striking her 40 or 50 times. Principal Teacher Whitwal was sent for and had little trouble in persuading her to yield. She was confined in the lockup.

While Miss Hardin was not without fault, we think that Mr. Stauffer's conduct must be severely condemned. It is in evidence that the girl offered no physical resistance, but was merely stubborn, and did not desire to go on the outing. When she went into the country, information preceded her which caused her employer to inform her that she would be given no privileges and was under suspicion. It appears, however, that she succeeded in endearing herself to the family.

7. The management of the school is inefficient. This appears to be true as to every department. The superintendent regards vocational training as one of the strong features of the work. It is totally unsatisfactory to us. Harness making, instruction in telegraphy and in agriculture have been discontinued, save with the school farms, which are presumed to be run as a demonstration farm. As to demonstrations on the farm, the farmers in charge of the same testified that it is wholly inefficient and that the pupils are detailed to perform this work as a kind of penalty for some misconduct. There is absolutely no effort to stimulate a love of agriculture among the pupils. When one becomes proficient in any of the trades, he is frequently detailed to other work, and thus loses all interest. This is true as to the carpenter's shop, the tinner's shop, the paint shop, the show shop, and the bakery. The instructors in charge of these various departments say they have frequently complained to the disciplinarian and to the superintendent that the pupils detailed to this work should be permitted to complete their training, but in spite of their complaints the management of the school persists in a policy which makes it impossible for many of the pupils to successfully learn a trade.

The value of the system of outing has been exaggerated. While in many instances it has no doubt proven beneficial, we do not think that pupils who are interested in trades should be detailed to farm work or sent upon outing where no opportunity is afforded them to continue the study of their trade.

The school garden is inadequate. No reason appears why ample supplies of garden products should not be produced for the use of the school. The gardener takes this view of the matter, and it appears that the supply of last year was inadequate. As an illustration of the absurd policy prevailing as to the farm, it appears that the soil is depleted and becoming less productive. These farms, as now operated, have practically no demonstration value to the school.

8. It is the opinion of some who have given study to the subject, including Dr. E. A. Knobel, president of Dickinson College, that class instruction in the school does not approximate a high standing.

9. The commission, with the very able assistance of Inspector E. B. Linne, investigated and checked the athletic account. This is controlled by the executive committee of the athletic association, which is a corporation. The executive committee appears to be the superintendent of the school, the athletic director, Mr. Warner, and the treasurer of the athletic association, Mr. William Miller. The accounts appear to be very accurately kept, but the disbursement and expenditures are open to very grave criticism.

10. It appears that the superintendent has falsified his accounts in this: While actually traveling to and from the city of Washington on mileage books purchased from the athletic fund and furnished him free of cost, he has, for the same trips, charged his transportation expenses to the Government in his accounts as superintendent and disbursing agent. This appears from the records of the treasurer of the athletic association and the records in the office of the auditor for the Cumberland Valley Railroad Co. and the Pennsylvania Railroad.

11. The matron, Miss Ridenour, in charge of the large girl pupils, is earnest in her work, and appears to be prompted by good motives. She, however, inspired the beating of Miss Hardin by Bandmaster Stauffer, and was present assisting in the same. She is harsh and unkindly in her demeanor toward the pupils, and as a result of this the relationship between the pupils and the said matron is strained and unfriendly to such an extent that it is doubtful whether her continuance in the service there will be for the good of the institution.

Upon a consideration of the whole case, the joint commission recommends that Supt. Friedman and Bandmaster Stauffer be suspended and tried. We further recommend due consideration be given to the advisability of reprimanding Miss Ridenour and transferring her. These recommendations are concurred in by all members of the commission who were present.

Very truly,

JOE T. ROBINSON,
Chairman.

OSAGE RESERVATION

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

MARCH 9, 1914

PART 12

Printed for the use of the Joint Commission



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1914

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

CONGRESS OF THE UNITED STATES.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

OSAGE RESERVATION.

MONDAY, MARCH 9, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in the committee room of the Senate Committee on Indian Affairs at 2 o'clock p. m.

Present: Senators Robinson (chairman), Lane, and Townsend and Representative Stephens.

TESTIMONY OF MR. JAMES ALBERT CARROLL, SUPERINTENDENT OF THE OSAGE INDIAN RESERVATION, OKLA.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. You are the superintendent of the Osage (Okla.) Agency, I believe, Mr. Carroll?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. How long have you served in that capacity?

Mr. CARROLL. Since the 18th of July, 1912.

The CHAIRMAN. How long have you been in the Indian Service, all told?

Mr. CARROLL. Secretary Hoke Smith appointed me in 1895—December.

The CHAIRMAN. What other positions did you hold before you became superintendent of the Osage Agency?

Mr. CARROLL. I was appointed to a clerkship by Secretary Smith, in charge of the Indian warehouse at Valentine, Nebr. That was my original appointment. That was a station where we received all the supplies consigned to the Rosebud Agency, S. Dak. I received those supplies and shipped them out to the agency by wagon.

After nearly two years in charge of that warehouse I was sent to the Pottawatomie Agency, in Kansas, where I served about a year.

The CHAIRMAN. As superintendent?

Mr. CARROLL. As clerk—chief clerk. Thence to the Ponca Agency, Okla., in the same capacity—clerk—where I served about six months. Thence to the Kiowa Agency, Okla., in the same capacity, where I served about two years and a half. Then I was appointed, or promoted I should say, to the position of superintendent of the Mescalero Agency, N. Mex., where I remained 11 years. I went from the Mescalero to my present position as superintendent of the Osage.

The CHAIRMAN. Do you know the total number of Indians under your jurisdiction as superintendent of the Osage Agency?

Mr. CARROLL. I do not, Senator.

The CHAIRMAN. Do you know about how many?

Mr. CARROLL. The total number allotted—what we called the approved roll—contains the names of 2,230. Of course, a good many of those are dead, and the children born since allotments have no properties other than that they have inherited—

The CHAIRMAN. When was that roll closed?

Mr. CARROLL. In 1906, I think.

The CHAIRMAN. There have been no allotments since that time?

Mr. CARROLL. No, sir.

The CHAIRMAN. Could you state approximately now how many Indians are under your jurisdiction?

Mr. CARROLL. I should say approximately 2,000.

The CHAIRMAN. What is the area of that reservation, Mr. Carroll?

Mr. CARROLL. The present Osage County was originally the Osage Indian Reservation, embracing an area of approximately a million and a half acres. Osage County was created out of the Osage Indian Reservation, as I recall it.

The CHAIRMAN. Your headquarters are located where?

Mr. CARROLL. At Pawhuska.

The CHAIRMAN. What is the general condition of the Osage Indians—I think that would indicate in a general way what I want to know. Are they prosperous?

Mr. CARROLL. That is a very broad question, Senator. I might answer that by saying that I consider the Osage Indians cursed with wealth and cursed with special legislation.

The CHAIRMAN. Now, you say they are cursed with wealth. What property do they own, in a general way? As a matter of fact, they are about the richest Indians in tribal funds and resources that we have, are they not?

Mr. CARROLL. I think they are regarded as the richest people per capita in the world. I have been so informed.

The CHAIRMAN. Do you know about what their per capita wealth is?

Mr. CARROLL. It is impossible to determine that at present. They have an immense area, over 800,000 acres of land, that has never been leased for oil and gas mining purposes; and if it is as rich in minerals as that part that has already been exploited—at least partly exploited—they are certainly very rich people.

The CHAIRMAN. What part of it has been exploited, approximately, since you have been connected with the agency?

Mr. CARROLL. Mining operations, since I have been connected with the agency, have been very limited. Most of the lands had already been drilled on, you know. That is, the operations under the Foster lease—what we sometimes call the “blanket lease”—there has not been a great deal of development under that lease since I have been connected with the agency.

The CHAIRMAN. Very little operation?

Mr. CARROLL. Under the blanket lease.

The CHAIRMAN. What is that? Do you know?

Mr. CARROLL. I believe the operators claim that they can not afford to pursue active development when they have such a short tenure of lease.

The CHAIRMAN. When is the expiration of their lease? Do you know?

Mr. CARROLL. I believe it expires the 16th of March, 1916.

The CHAIRMAN. Do you know how long the lease was for?

Mr. CARROLL. The lease was for 10 years. The lease was made originally during the administration of Mr. Cleveland.

The CHAIRMAN. What was the area of the Foster lease?

Mr. CARROLL. The original lease in 1895 embraced the entire reservation. But the renewal 10 years after that, in 1905, covered approximately 680,000 acres, leaving the balance open.

The CHAIRMAN. What is the extent of the operations that have been conducted under that lease, and what has been paid to the Indians on account of that Foster lease, if you can remember? Of course, the lease itself would be the best evidence of that; I presume you are familiar with it.

Mr. CARROLL. I expect that that lease is producing to-day approximately 38,000 barrels of oil, of which the Osages receive one-eighth in royalty—say about 4,750 barrels a day, or about \$4.750 a day. Oil is worth now \$1.05. Now, we have leased some territory since I have been in charge of the agency—

The CHAIRMAN. I wish you would tell the commission about that. What leases have been made since you have been there, and what is the approximate area of that, and in a general way to whom the leases have been made?

Mr. CARROLL. I hate to speak of these things without having the records. My memory is not clear on all those points. I will give it to you as best I recall, of course.

The CHAIRMAN. Of course, we understand that it will be purely from memory.

Mr. CARROLL. When I took charge of the agency I found that the department had, a few days before, promulgated regulations for leasing the unleased portion of the Osage lands for oil and gas mining purposes. Soon after that I was directed to prepare a map showing the properties, 100,000 acres, for lease. That map was prepared, and before the advertisement was inserted in the papers there were requests from different sources to put up certain other tracts; and I believe that the total amount of land was something like 107,000 acres that we advertised at that time.

Those bids were opened on the 11th of November, 1912, as I recall, and I think probably we leased about 25,000 acres of land—something like that. I can not be sure.

The CHAIRMAN. The total area that has been leased since you have been connected with the agency is about 25,000 acres?

Mr. CARROLL. No; in September last, Senator, the office having had before it some time another map of 100,000 acres which the council had requested be leased, sent me a map of about 12,000 acres—not quite 12,000, as I recall it. I was directed to advertise that land. That was cut up into rather small subdivisions; nothing exceeding 160 acres. I think we leased under that advertisement about 10,000 acres. So I should say that since I have been in charge of the agency something like 35,000 acres have been leased.

The CHAIRMAN. The other 25,000 related to the leases that had been made prior to that last leasing in small holdings?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. What are, in a general way, the terms of those last small leases? Are they required to operate them a given time.

and what royalty or other consideration do they pay to the Osage Indians for the leases?

Mr. CARROLL. They provide a one-sixth royalty for the tribe; that a well shall be begun, or operation shall be begun, within 90 days from the date of the approval of the lease by the Secretary of the Interior, and that within a year from that time the lessee shall have drilled a well to such depth as the oil inspector of the Osage Nation shall say is a proper depth, on every subdivision contained in his lease regardless of its area.

The CHAIRMAN. What is the largest area?

Mr. CARROLL. Well, the regulations of July 3, 1912, fixed the areas from 320 to 5,120; 5,120 acres under those regulations would be the maximum, but under this last letting, as I say, this area was 160. I rather think that was due to some extraordinary development in that vicinity; some very large wells had been brought in, and it seemed to be the psychological moment to sell the stuff in proximity to this production, and I assume that the commissioner thought it advisable to cut it up into very small tracts. In fact, that sale seemed to justify his action anyway. It brought an exceedingly large bonus.

The CHAIRMAN. What did it bring, if you remember?

Mr. CARROLL. The bonus offering on that land was a little in excess of half a million dollars—the 10,000 acres sold in September last.

The CHAIRMAN. So that, whether or not there were any operations at all on that 10,000 acres last leased in 160-acre tracts, the Indians got a little more than half a million dollars?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Now, supposing there are no operations within the time fixed in the lease, do you know what will be the result? Will the leases be forfeited, or what is the result?

Mr. CARROLL. The regulations provide a penalty of \$2,000 for failure to drill a well on any one subdivision, and also that the Secretary may cancel the lease.

The CHAIRMAN. It is optional with the Secretary whether or not the lease shall be canceled?

Mr. CARROLL. I should so interpret the regulations.

The CHAIRMAN. Now, as to the 25,000 acres of other lands that you leased, not including these leases of 160 acres in each tract, the area in those ranged from 320 to 5,120, if I remember you correctly?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Why was that distinction made? Why was there such a difference in the areas?

Mr. CARROLL. That was in strict conformity with the regulations, which provided that these subdivisions—the maximum should be 5,120 and the minimum 320. In laying these out, the oil inspector who prepared the maps suggested the smaller areas of 120 acres in proximity to production, the maximum areas remote from production.

The CHAIRMAN. Now, as to these several tracts that were leased before you went to the agency, or afterward, do you know whether or not there has been an effort on the part of any of the lessees to suppress development and prevent production for the ostensible purpose of discrediting the value of the lands and securing a new

lease? Do you know whether that is true as to any of the Foster lands or not?

Mr. CARROLL. I do not.

The CHAIRMAN. Do you know of cases where the wells that have already been drilled have been plugged, as you might call it?

Mr. CARROLL. No, sir.

The CHAIRMAN. Have any complaints been made to you as superintendent of the agency?

Mr. CARROLL. No, sir.

The CHAIRMAN. Your attention has never been called to that at all?

Mr. CARROLL. No, sir.

Senator LANE. Do you know of any such action in any instance, in the case of wells that would flow oil if they were not plugged?

Mr. CARROLL. I can not conceive that would be possible, that a man with a lease with only two years to run—if he had an oil well it seems to me he would let it flow, when oil is \$1.05 a barrel.

The CHAIRMAN. You have said that there has been very little development of the Foster lease because of the fact that the lease expires pretty soon. That was a 10-year lease in the beginning, was it not?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. What do you mean by that? What do you mean by that statement that you can not conceive of a thing of that sort happening?

Mr. CARROLL. Just let me get your point.

The CHAIRMAN. You said awhile ago that the development of the Foster lease had been very slow because the lease was soon to expire?

Mr. CARROLL. Yes.

The CHAIRMAN. Why would not the same rule apply to that lease as would apply to the alleged plugging of wells?

Mr. CARROLL. If I remember, I said that these operators claimed they could not proceed with active development because of the short tenure.

Senator LANE. That was 10 years?

Mr. CARROLL. That was 10 years. I remember that argument was advanced in their briefs to the Secretary of the Interior in last June when the lessees assembled here and presented their petitions and arguments for a renewal. They said that with such a short tenure they could not proceed with active development; that it took about three years on an average for a well to pay for itself.

The CHAIRMAN. They do not put down the wells any more, then; but you do not know of any instance where a well that has been flowing has been plugged in order to lessen the rental or royalty value of the oil land?

Mr. CARROLL. I know, on the contrary, that where wells have recently, or comparatively recently, been drilled, and where an oil pool was formed, we have had the most active development. I know of 55 acres of land in that country that has been producing for more than three months over \$15,000 a day. Now, I can not conceive how or why a man should—

The CHAIRMAN. It is not a matter of argument, you know. I am simply asking as a matter of fact. Of course, if you do not know

that and it has not been called to your attention, that is another proposition. I myself would have some difficulty in understanding it if it were true.

Now, do you know how many wells are in operation on the Foster lease?

Mr. CARROLL. No, sir.

The CHAIRMAN. What is the average length of oil leases, and what is the period of the leases that are now being made down there—those that have been made since you went on the reservation?

Mr. CARROLL. These leases are what we usually call perpetual leases. They are for 10 years, but as long as oil and gas are discovered—as long as oil flows. You understand, of course, that as to the Osage Indian Reservation, before allotment, a lease could not be made for a longer period than 10 years under the United States statutes. That is the reason those leases had to be for 10 years originally, and had to be renewed for 10 years, because at the time of the renewal it was still an Indian reservation, and under the law the lease could not extend beyond 10 years.

The CHAIRMAN. Do you know how many wells are in operation on the Foster lease?

Mr. CARROLL. Senator, I have some data down here at the Indian Office. If I had it with me I could tell you exactly how many wells have been drilled on the Osage Reservation.

The CHAIRMAN. Your memory is not sufficiently fresh to state it?

Mr. CARROLL. No, sir.

The CHAIRMAN. Do you know whether any wells have been drilled on that lease since you went there?

Mr. CARROLL. On the Foster lease?

The CHAIRMAN. Yes.

Mr. CARROLL. Oh, yes.

The CHAIRMAN. Do you know how many?

Mr. CARROLL. No, sir; I do not.

The CHAIRMAN. Where is the Barnsdall lease with reference to the Foster lease?

Mr. CARROLL. It is about half of the Foster lease.

The CHAIRMAN. Which part of the Foster lease?

Mr. CARROLL. It is all through it, Senator. It is fine territory.

The CHAIRMAN. It is the pick of the oil lands in the Foster lease, is it? Would you say that, in your opinion, roughly speaking?

Mr. CARROLL. In my opinion—I do not think my opinion is worth much on oil and gas matters, but if you ask for my opinion it is that the Barnsdall people control probably as valuable territory as there is in the Osage country.

The CHAIRMAN. How long has that been true?

Mr. CARROLL. That has probably been true since 1907, since the Barnsdall Oil Co. was organized.

The CHAIRMAN. What other companies, if you remember, have leased oil lands and gas lands within this reservation?

Mr. CARROLL. A great many of them. I wish I had known the character of this inquiry, because I could have brought from the office a set of maps and accompanying schedules showing every operator and every well that was ever drilled, showing whether that well is dry, oil-producing, or gas-producing, and could answer these questions very quickly.

Senator LANE. Are there large numbers of them, or just a few? Is there more than a dozen down there altogether?

Mr. CARROLL. Oh, there are probably a dozen companies, with an acreage each exceeding 5,000.

Senator LANE. Would they have more than one well?

Mr. CARROLL. Oh, yes.

Senator LANE. There would be more than a dozen wells altogether down there, then? I do not know anything about it, you know. I would like to get some kind of an idea.

Mr. CARROLL. I guess the Barnsdall Co. has drilled approximately a thousand wells.

The CHAIRMAN. Is there anybody else operating on the Foster lease except the Barnsdall people?

Mr. CARROLL. Oh, yes. I should say there are a dozen companies that control exceeding 5,000 acres, and that there are more than a hundred companies and individuals that have less than 5,000 acres. There are probably 140 individuals and companies subleasing, operating under the Foster lease.

The CHAIRMAN. Do you know whether these companies are organized in conjunction with one another, or whether they have any common directorates or interests in common, or are they independent of one another? Do you know anything about that?

Mr. CARROLL. I know something about the Barnsdall Oil Co., because I have recently investigated that.

The CHAIRMAN. Did you make the investigation that was recently made regarding the Barnsdall Oil Co.?

Mr. CARROLL. I made one, Senator. I do not know whether it is the one you are talking about or not. If that investigation disclosed that the Barnsdall Oil Co. is controlled by the Standard, then I made the investigation.

The CHAIRMAN. Then, as a matter of fact, the Barnsdall Oil Co. is owned and controlled by the Standard?

Mr. CARROLL. No question, sir.

The CHAIRMAN. Do you know whether the other smaller companies there are in the same position or not?

Mr. CARROLL. I hardly believe it. There is one other company operating there, but not under the Foster lease, but having a lease under the letting of November 11, 1912—the Carter Oil Co.—that is a Standard Oil corporation.

The CHAIRMAN. Have you ever gone through the list of the lessees there with a view to ascertaining whether and what number of them were connected with the Standard Oil Co.?

Mr. CARROLL. Yes; I have a list of their stockholders and directors. I have examined these lists, and that is the reason I am satisfied that the Carter Oil Co. is a Standard corporation.

The CHAIRMAN. Has the Uncle Sam Oil Co. any leases in that area?

Mr. CARROLL. Yes, sir; they are sublessees of the Foster Co.

The CHAIRMAN. Do you know what area they control?

Mr. CARROLL. Well, it is less than 5,000 acres.

The CHAIRMAN. All told?

Mr. CARROLL. I can not tell you exactly.

The CHAIRMAN. Do you know whether they are in any way connected with the Standard?

Mr. CARROLL. I should not think they were.

The CHAIRMAN. Were you there in charge of the agency when the controversy arose between the Standard and the other people and the Uncle Sam Oil Co. as to the lease that the Uncle Sam Oil Co. was claiming on certain of those lands?

Mr. CARROLL. No, sir; I inherited that.

The CHAIRMAN. Do you know what area the Uncle Sam people claim to have leased from the Osage Indians through the council?

Mr. CARROLL. Why, I should say two of those 201,000-acre leases; probably 400,000 acres. I think they had only one lease of 201,000 acres, but I believe that they were to get, or did get, another one of the same size. I do not recall.

The CHAIRMAN. You say you looked into the question of the Barnsdall Oil Co. and found it was controlled and operated by the Standard?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Can you state from memory some of the circumstances that led you to that conclusion—some of the facts?

Mr. CARROLL. I had been told by a number of people that Mr. Barnsdall had borrowed from the Standard Oil Co. something like \$7,500,000 back in 1907, and had mortgaged all of his holdings in the Osage and a lot of other equities for this loan, and that this loan was due in February, I think, of this year, and that the probability was that he would not be able to pay it. Now, who told me that I don't know. It is just one of those things that one will hear from a number of sources in a community. It was general talk that the Standard owned the Barnsdall—controlled it—by virtue of this vast amount of money that they had advanced. I went direct to the Barnsdall people about it when I received a letter from the office directing me to investigate it. I got very little information from the Barnsdall Oil Co., but I finally got the information from Mr. Barnsdall himself. I wrote him in Pittsburgh.

Representative STEPHENS. Who is he? What office does he hold in the company?

Mr. CARROLL. He has nothing to do with it, Judge.

Representative STEPHENS. How would his information be reliable, then?

Mr. CARROLL. I asked him to furnish me copies of his contract with the Standard; just asked him to play his cards face up on the table.

The CHAIRMAN. Did he furnish them to you?

Mr. CARROLL. Yes, sir—copies of his agreements.

The CHAIRMAN. By records which are in the possession of the commission and the Bureau of Indian Affairs, it appears that Mr. Barnsdall represents a total area that that company owns leases on of 323,160 acres approximately.

Do you know W. J. Young?

Mr. CARROLL. I have never met him, Senator.

The CHAIRMAN. He is the vice president and general manager of the Barnsdall Oil Co.?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. And he is also representative for the Standard Oil Co.?

Mr. CARROLL. He has the management of the Barnsdall Oil Co. under contract, at a salary of \$15,000 a year, I believe; and he also

has the right to nominate anybody in his place when he wants to retire.

The CHAIRMAN. Now, I am interested to know whether all those companies down there, or practically all of them, do not occupy about the same relation to the Standard that the Barnsdall Co. does. I believe you said you could not answer that?

Mr. CARROLL. I hardly think that is true.

The CHAIRMAN. You have mentioned one company that you think does. Do you know of others besides the Carter Oil Co.?

Mr. CARROLL. No, sir. Well, I want to qualify that. Of course, the Prairie Oil & Gas Co. is admittedly a Standard Oil company. They say so themselves.

The CHAIRMAN. That is generally understood to be a subsidiary of the Standard?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Approximately, what area of land do they control under lease on that reservation?

Mr. CARROLL. Why. I expect about 30,000 acres—the Prairie Oil & Gas.

The CHAIRMAN. Are they operating?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Extensively?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Developing?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. When do their leases expire?

Mr. CARROLL. It will expire on that area subleased from the Foster people at the same time the Foster lease expires—March 16, 1916. But they have some lands leased under existing regulations. They have, I think, about 400 acres.

The CHAIRMAN. What companies leased those 160-acre tracts? Was that leased by independent operators or was it leased generally by operators already in the field?

Mr. CARROLL. A great deal of that—about 4,500 acres as I recall it, or somewhere along there—went to a West Virginia man. The big companies, what we call the pipe-line companies—the Prairie Oil & Gas, the Gypsy, which is a subsidiary of the Gulf Pipe Line—they did not get a great deal of territory. They got what was considered the best territory, but it has turned out to be a pretty bitter disappointment to the Prairie people.

The CHAIRMAN. Why?

Mr. CARROLL. Because they have developed very little oil.

The CHAIRMAN. It did not prove as good as they thought it was?

Mr. CARROLL. No.

The CHAIRMAN. Are they trying to develop it?

Mr. CARROLL. Yes. It seemed that they had nothing to do but offset wells that were producing from 3,000 to 4,000 barrels a day.

The CHAIRMAN. What do you mean by "offset"?

Mr. CARROLL. Drilling 600 feet away just across the line.

The CHAIRMAN. Trying to tap them?

Mr. CARROLL. Yes. And yet, I think, they have drilled four or five or six wells, and I believe their total production is something like 110 barrels.

The CHAIRMAN. Which, of course, is small for that territory?

Mr. CARROLL. Small for the bonus they paid—\$220,000 bonus.

The CHAIRMAN. Have they already paid that?

Mr. CARROLL. Oh, yes. They had to pay that before we would make a contract with them. I think the most of that 10,000 acres went to independent operators.

The CHAIRMAN. Now, I would like to know your view as to whether it is desirable to permit this field to be monopolized by one concern; or do you know of any disadvantages that would accrue to the service if that were done; or would you think it best to require operations to be conducted by independent companies; and if so, why? Have you given thought to that?

Mr. CARROLL. Well, I have thought this way. Senator, that if this were Government land, if this were public domain, and the Government could apply to this country as well as to all its other country, a certain fixed economic policy of development, it would be all right and a good thing to do. For instance, exclude pipe-line companies from bidding.

But the situation is this: The land belongs to the Indians; and it seems to me that we occupy the position in that matter that the guardian does toward the ward, and that it is our duty to lease his lands at the most advantageous price. In other words, to make a personal matter of it, if I owned the Osage country individually, if it were my personal property, it would not make a bit of difference to me who got the land, so he paid me the most money. If Mr. Rockefeller himself offered me more than you or Judge Stephens or Senator Lane, Mr. Rockefeller would get my land.

The CHAIRMAN. That is what I wanted to know. In your opinion, then, it is purely a matter of how and from whom the best price can be obtained for the Indians?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. What is the total amount of royalties and other incomes that you are now receiving per annum from oil-land leases on account of the Osage Indians?

Mr. CARROLL. Well, it is approximately \$5,000 a day.

The CHAIRMAN. That would be how much per annum?

Mr. CARROLL. About \$1,800,000, wouldn't it?

The CHAIRMAN. \$1,800,000 per annum?

Mr. CARROLL. Yes.

The CHAIRMAN. Are there other lands to be leased that have not yet been leased?

Mr. CARROLL. Oh, yes.

The CHAIRMAN. What is the area of those lands—the oil and gas lands?

Mr. CARROLL. Well, we don't know, Senator, whether they are oil and gas lands.

The CHAIRMAN. Do you lease them as oil and gas lands without knowing whether they are or not?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. I mean to say, does the lessee take that chance?

Mr. CARROLL. Oh, yes.

The CHAIRMAN. And the Prairie Co. made a bad bid? It took some lands that did not prove as productive as they expected?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Now, what is the probable area of the additional oil and gas lands that have not yet been leased, if you know? Do you know whether the department has made an effort to determine that or not?

Mr. CARROLL. Well, I think it is a difficult matter to determine from a surface investigation. It is a hard matter to look at the surface of the country and say.

The CHAIRMAN. You have leased a large quantity of lands, for instance, throughout the last year as oil and gas lands. Now, you have determined in some way that they were oil and gas lands. What I am anxious to know is whether there are additional areas there; and if so, what is the extent of the area that may still be leased as oil and gas lands?

Mr. CARROLL. Well, I should say that this entire unleased portion of 800,000 acres is worth testing for oil.

The CHAIRMAN. And may be considered of prospective value in that particular?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Now, are any other leases pending that have not been approved; I mean, have leases been let that have not been approved?

Mr. CARROLL. No, sir.

The CHAIRMAN. Whatever became of those Uncle Sam leases? Were they rejected finally?

Mr. CARROLL. Yes, sir; they were disapproved.

The CHAIRMAN. Did you ever make any investigation into those leases yourself?

Mr. CARROLL. No, sir.

The CHAIRMAN. That was done before you went there?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. I suppose you only know what somebody has told you about that?

Mr. CARROLL. That is all.

The CHAIRMAN. Do you know whether the lands that were covered in the leases claimed by the Uncle Sam people have since been leased, or any part of them?

Mr. CARROLL. Yes; a part of them.

The CHAIRMAN. What area, do you know?

Mr. CARROLL. I expect a considerable part of this entire area we have leased—25,000 and 10,000, making 35,000 acres. I won't be sure about that.

The CHAIRMAN. That is my information, that that is true. I presume I can get a list of these lessees of the small tracts from the Commissioner of Indian Affairs. I do not suppose you would have that, would you? You probably would not have it in your office?

Mr. CARROLL. You mean the lands that were leased lately?

The CHAIRMAN. Yes; for instance, since Mr. Sells became commissioner.

Mr. CARROLL. Yes; I have that information in my room at the Raleigh. I shall be very glad to let you have it.

The CHAIRMAN. The royalties under those leases are very high? Do you know the amount?

Mr. CARROLL. That is a sixth in the new lease

The CHAIRMAN. And the bonus is also very large?

Mr. CARROLL. Well, that depends——

The CHAIRMAN. Upon what?

Mr. CARROLL. The bonus depends entirely upon the proximity of a piece of land to production. If there is a producing well close by, naturally this piece of land that we are offering that is adjoining or near production will bring more bonus than land that is 2 miles or 5 miles away.

The CHAIRMAN. Because there is that much more chance that the distant land will not have oil?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. But there is also this fact, that the more you increase the number of wells in a small area the more you decrease the production of the wells already existing near it? Or is that true?

Mr. CARROLL. I think that is hardly considered to be the case by operators. I believe that on a 40-acre tract, we will say, that is producing oil they consider about eight wells sufficient to take care of that area.

The CHAIRMAN. That any greater number would not be profitable?

Mr. CARROLL. You could not get any more oil by drilling a greater number.

Representative STEPHENS. That is a well to 5 acres?

Mr. CARROLL. Yes, Judge; about that.

The CHAIRMAN. Do you know the total number of wells now in operation in the Osage territory? I mean on the Osage Reservation.

Mr. CARROLL. No; I do not, Senator, but I can get that information for you.

The CHAIRMAN. Can you furnish me with a list of them for the record?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. I wish you would make a note of these things as we go along.

Now, this Gypsy Oil Co. you have referred to—do you know who controls that?

Mr. CARROLL. Well, Secretary Fisher maintained that the Gulf Pipe Line Co. controlled it, and he turned down the leases of the Gypsy Oil Co. made under the letting of November 11, 1912. The Gypsy Oil Co. was a very active bidder, and that company secured most of the lands that were offered. That is, they offered the highest price and the council accepted the bids and we made out the leases and sent them in for approval, and Secretary Fisher disapproved them on the ground that the Gypsy Oil Co. was so closely allied to the Gulf Pipe Line Co.—

The CHAIRMAN. Who is that company? Is that a Standard concern?

Mr. CARROLL. I do not think so, sir. But the regulations at that time forbade pipe-line companies bidding. Now, the Secretary said that the Gypsy was practically the Gulf, and therefore he would not approve those leases. The regulations in that respect, as you are probably aware, have since been changed.

The CHAIRMAN. Yes. What are the transportation facilities for oil from this field to the markets?

Mr. CARROLL. There are three pipe-line companies.

The CHAIRMAN. What are they?

Mr. CARROLL. The Gulf, the Prairie, and the Texas.

The CHAIRMAN. Are they supposed to be independent companies and operating in competition with each other, or are they——

Mr. CARROLL. I think so, sir.

The CHAIRMAN. What about the rates? Do they operate upon uniform rates? I mean, does each company charge the same rates for the same service?

Mr. CARROLL. You see, the pipe-line companies buy the oil and they fix the price of oil. The Prairie Oil & Gas usually takes the initiative in advancing the price of oil. I will get a telegram, say to-day, from the Prairie Oil & Gas that beginning to-day the Prairie Oil & Gas will pay so much per barrel for crude. Well, immediately the Gulf Pipe Line Co. and the Texas Co. issue notices meeting that. Just as soon as the Prairie advances the price the other two pipe-line companies immediately meet that price, so that they are paying the same thing all the time.

The CHAIRMAN. There is really no apparent competition between them?

Mr. CARROLL. There does not seem to be.

Representative STEPHENS. Do the prices fluctuate?

Mr. CARROLL. The price when I went to the country, Judge, was 70 cents, and it has gradually advanced. That was in July, 1912. It has gradually advanced to \$1.05.

Representative STEPHENS. Has the production decreased in accordance with that?

Mr. CARROLL. No, sir; the production has increased.

Representative STEPHENS. What do you attribute the advance to?

Mr. CARROLL. I think the demand for oil.

The CHAIRMAN. Do you know what the total output of that field is, Mr. Carroll?

Mr. CARROLL. The total output of the Mid-Continent field?

The CHAIRMAN. I mean of the Osage Reservation.

Mr. CARROLL. It is nearly 43,000 barrels a day right now.

The CHAIRMAN. How are these leases made, Mr. Carroll? Explain briefly the method of handling them.

Mr. CARROLL. Now, we have advertised only two pieces of land since I have been there; one on November 11, 1912——

The CHAIRMAN. And the other was since?

Mr. CARROLL. September.

The CHAIRMAN. Tell just how that was done.

Mr. CARROLL. The office directs me to insert a certain advertisement, which is prepared here, in the following newspapers and periodicals for a certain period. And I send to these periodicals a copy of this ad. with instructions to run that from a certain date to a certain date, and this advertisement sets forth that the following-described lands are offered for lease for oil and gas mining purposes on the Osage Reservation, Okla., and that bids will be opened at 2 o'clock p. m. on a certain day. Then it recites that these bids must conform to regulations promulgated under date of July 3, 1912, a copy of which will be furnished upon application to the superintendent of the Osage Agency, etc.

Then, on the day of the letting, promptly at 1 o'clock, we gather in the council room and the bids are brought in and opened and read before such members of the council as desire to be present, or in the presence of anybody.

The CHAIRMAN. When you say the "council" you mean the Indian council?

Mr. CARROLL. Yes.

The CHAIRMAN. And then you accept the highest bids, if they are acceptable?

Mr. CARROLL. No, sir. We then make an abstract of those bids, and the council is called into regular session, and the abstract of the bids is presented to the council, and it is explained to the council which are the most advantageous bids. The council takes the action, whatever that may be.

The CHAIRMAN. So it is the policy of the bureau to make no leases except those that are approved by the council?

Mr. CARROLL. The bureau can not.

The CHAIRMAN. That is another question, whether they can or not. Anyway, since you have been there, it has not been done? No bids have been accepted except those approved by the council?

Mr. CARROLL. No, sir.

The CHAIRMAN. Now, were you there when the alleged action of the Osage Council was taken with reference to repudiating some oil bids and leases, or had you taken charge of the agency at that time?

Mr. CARROLL. Those leases had been disapproved, you know, before I took charge of the Osage.

The CHAIRMAN. Were you there when the new council was formed and when the old council was dispersed?

Mr. CARROLL. I was there when this council was elected and when their predecessors were dismissed.

The CHAIRMAN. Why were they dismissed? Do you know?

Mr. CARROLL. Well, I should say that you ought to consult the letter of the Secretary of the Interior, who dismissed them.

The CHAIRMAN. You did not do that?

Mr. CARROLL. No, sir.

The CHAIRMAN. This is a matter of record, and you had nothing to do with it?

Mr. CARROLL. Nothing to do with it.

The CHAIRMAN. Do you know anything about that convoking or organizing of the new council?

Mr. CARROLL. Not a thing in the world.

The CHAIRMAN. Were you present at their meeting?

Mr. CARROLL. I appear at every council meeting. The superintendent calls the council in session, or the call may be made by the chief. It is usually done by me on my own initiative when I think we have some business before the council to attend to, or when the chief or some members of the council request that they be called for some purpose. Then I appear before them and give them what I have to give them and retire. I do not remain in the council room.

The CHAIRMAN. Were you superintendent of the agency when the former council was dismissed by the Secretary? Were you there at that time?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Do you know about what date that was, Mr. Carroll?

Mr. CARROLL. I believe it was in January.

The CHAIRMAN. Of 1913?

Mr. CARROLL. Of 1913.

The CHAIRMAN. Do you know when the other council was called?

Mr. CARROLL. Well, there was an election, you know, called right away.

The CHAIRMAN. How was that election held?

Mr. CARROLL. That election was held as provided in the act of 1906, in the office of the agnecy; and the adult male members of the tribe, you know, have the right of voting.

The CHAIRMAN. Do you register those who are going to vote? Just give me an idea us to what actually occurs. Take, for instance, that election at the time the new council was chosen. Tell me what occurred there.

Mr. CARROLL. There was a general notice of an election sent out.

The CHAIRMAN. Where was it sent, and to whom was it sent? I suppose you are aware it has been claimed by some that that election was partial, and no general notice was given, and that its integrity has been assailed by some. Now, tell me what notice was given, and how it was given.

Mr. CARROLL. Notice was sent out to Fairfax, Hominy, and Pawhuska, Indian villages, and to what we call "dogie camp." Notices were sent to every field man to post conspicuously. The widest kind of publicity was given to that election.

The CHAIRMAN. That is within your control?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. How many Indians attended that election? Do you know?

Mr. CARROLL. I think the vote was 163.

Senator LANE. Out of a total of how many Indians—2,200?

Mr. CARROLL. Not 2,200 voting Indians. Only the adult males are permitted to vote.

Senator LANE. That is, 163 out of how many that would be entitled to vote? Can you approximate?

Mr. CARROLL. Probably 300—something over 300.

The CHAIRMAN. Has a list of the voters been made, Mr. Carroll, or do they just come in and vote from time to time? How is the voting done? How was that election held?

Mr. CARROLL. Well, we had a box that I found there when I went there; a box with a padlock on it; such a box as you would find at an ordinary polling place.

The CHAIRMAN. A ballot box?

Mr. CARROLL. A ballot box. The ballots were printed. There were judges of election. The polls were opened from 6 o'clock in the morning to 6 o'clock in the evening, as I recall it. I believe that was the regulation. Everybody was permitted to vote that wanted to vote.

The CHAIRMAN. That is, those that were entitled to vote?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Did you have more than one ticket? You say the tickets were printed. Did you have just one ticket with the names of the candidates?

Mr. CARROLL. Just one ticket, as I recall. There were mass meetings held at Hominy, and Gray Horse, and Pawhuska, and then these delegates met and agreed upon this ticket.

The CHAIRMAN. How many members of that council are there?

Mr. CARROLL. There are eight councilmen. The principal chief and assistant principal chief do not vote.

The CHAIRMAN. Has the Secretary of the Interior the power to dismiss any council, and under what conditions has he the power to dismiss a council, if you know?

Mr. CARROLL. If I recall, the act says he may do so for cause to be by him determined.

The CHAIRMAN. Which, you think, practically leaves it discretionary with him? I assumed you thought that.

Mr. CARROLL. It seemed to me that way, Senator.

The CHAIRMAN. That would seem to me, from the language you used.

Representative STEPHENS. Do they permit women to vote?

Mr. CARROLL. No, sir.

Representative STEPHENS. What are the requirements for men? Over 21 years of age?

Mr. CARROLL. Over 21.

The CHAIRMAN. Who has charge of the trust funds of the agency—what official?

Mr. CARROLL. Well, I guess I am responsible for it, Senator.

The CHAIRMAN. Who keeps the accounts?

Mr. CARROLL. Oh, the accounts are kept by three or four clerks.

The CHAIRMAN. I want to know exactly how you handle the trust funds of the Osage Indians. Just assuming now that I do not know anything about it, tell me how you handle them.

Mr. CARROLL. The applications for the withdrawal of the funds are made to the assistant superintendent. An Indian comes in, for instance, and expresses a desire to make his application to withdraw funds. He is referred to the assistant superintendent, who takes his application and prepares a report and recommendation on the case. When the claim is allowed, if it is allowed, when the funds come out, they either come to be paid directly to the claimant and the check or warrant is turned over and a receipt taken, or if they are to be deposited and disbursed under my supervision the claimant is asked to indorse the warrant, when it is deposited in some one of the bonded banks that we have. Then authority is asked to approve his checks for certain specific purposes. It may be for buying a team of horses, \$400, or we approve his check for \$60 to buy a cow or \$1,700 to build a house—

The CHAIRMAN. You have to get that authority from the Interior Department here, the bureau?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. What is the total amount of the funds that you handle on account of this tribe? Do you know?

Mr. CARROLL. I do not know what it would amount to. You mean the trust funds?

The CHAIRMAN. Yes.

Mr. CARROLL. The trust funds that they withdraw, do you mean?

The CHAIRMAN. No; I mean all the funds that you control.

Mr. CARROLL. Every member of the Osage Nation, if his funds have not been withdrawn, has in the Treasury to his individual credit \$3,819.76. That resulted from a segregation some years ago, when they were allotted of the different tribal funds. That was segregated, and each member of the tribe on this approved roll had

this amount placed to his credit. That draws 5 per cent interest, which is payable to him quarterly.

The CHAIRMAN. Where is that fund actually carried?

Mr. CARROLL. In the Treasury of the United States.

The CHAIRMAN. Now, you take these moneys that they collect on account of the agency, including the oil royalties, etc., which you say exceed approximately a million and a half dollars a year now. How do you handle that? What do you do with it?

Mr. CARROLL. That is deposited with the assistant treasurer at St. Louis to the credit of the United States. When I get money from any source it is deposited there. That is our nearest depository, you see.

The CHAIRMAN. What funds are carried, then, in local banks?

Mr. CARROLL. We have no funds there except the funds of individual Indians—individual Indian moneys.

The CHAIRMAN. What is the amount of that?

Mr. CARROLL. Well, it is a considerable sum. I do not know that I could tell you. We have probably 14 or 15 bonded banks; some even outside the State, some up in Kansas. A bank that qualifies as a depository may receive as much as its capital stock, but no more.

The CHAIRMAN. Do you collect interest on that?

Mr. CARROLL. Yes, sir; we make a contract with them. We advertise when we want depositories, and ask for bids—bids on checking accounts and bids on time deposits. Those bids are submitted to the office, and the office accepts or rejects these bids, and finally advises us that such and such a bank is now qualified as a depository.

Representative STEPHENS. Is that a ruling of the office, or is it an act of Congress?

Mr. CARROLL. I am inclined to think it is the rule of the office.

Representative STEPHENS. I think so, too; that is my remembrance.

Mr. CARROLL. I do not recall any statute covering it.

The CHAIRMAN. Can you tell me about how much of those kind of funds the agency is carrying now in the different depositories?

Mr. CARROLL. I can not offhand.

The CHAIRMAN. Who actually keeps the account? You do not do it yourself?

Mr. CARROLL. Oh, no. Mr. George Beaulieu.

The CHAIRMAN. He is a clerk in your office?

Mr. CARROLL. Yes, sir. He is a Chippewa Indian.

The CHAIRMAN. Under what conditions are these Indians permitted to withdraw their funds?

Mr. CARROLL. Well, all of them under some condition or other may be permitted. That depends: each individual application has to be judged on its own merits.

The CHAIRMAN. I know; but an Indian can not just go and draw a check on those depositories?

Mr. CARROLL. No. I say, I have to get specific authority.

The CHAIRMAN. He applies to you, and recites the purpose for which he wants to draw his money?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. You approve it, or make a representation to the bureau, and the commissioner then passes on it, and either approves it or rejects it?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. At all events, in all cases the authority is given to draw for a specific purpose?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. To buy stock, to buy machinery, to build a house, or some other purpose supposed to be for the benefit of the Indians?

Mr. CARROLL. For the benefit of the Indians; yes, sir.

The CHAIRMAN. Now, after that permission is given, and the checks are authorized to be drawn, who actually draws the check? Do you do it, or the Indian himself?

Mr. CARROLL. We draw it in the office.

The CHAIRMAN. What do you do with it?

Mr. CARROLL. We have him sign it. I countersign it; and if it is for a team of horses, for instance, we have the horses inspected, and draw the check to the man who furnishes the horses, etc. If it is to build a house, we usually, on approval of a contract for the house, withdraw the amount when the house has been inspected by one of our men and pronounced built according to the plans and specifications.

The CHAIRMAN. Who gets actual possession of the check? The man to whom the obligation is due, or the Indian himself?

Mr. CARROLL. The man to whom the obligation is due.

The CHAIRMAN. Have you, in any instance that you can recall, gotten authority for Indians to build houses and then enabled them to use their checks for the payment of other indebtedness?

Mr. CARROLL. Well, I do not think so, Senator.

The CHAIRMAN. Do you know Brenner & Bird, at Pawhuska?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. What business are they in?

Mr. CARROLL. I think in business of loaning money to Indians. They are officers of banks and different business enterprises.

The CHAIRMAN. Do you know whether they are in the habit of loaning money to Indians at excessive or exorbitant rates of interest?

Mr. CARROLL. I am inclined to think they loan money usually at the rate of 10 per cent a quarter.

The CHAIRMAN. That would be 40 per cent per annum?

Mr. CARROLL. Forty per cent per annum.

The CHAIRMAN. That is an exorbitant rate of interest, of course.

Mr. CARROLL. Unquestionably.

The CHAIRMAN. What is the legal rate of interest in Oklahoma?

Mr. CARROLL. Ten per cent per annum.

The CHAIRMAN. They construe that into 10 per cent a quarter. Do you know the extent of their operations in that particular? Of course, I do not suppose you could state it exactly, but have you looked it up to see how much money has been paid to Brenner & Bird on account of these loans through your office?

Mr. CARROLL. No, sir.

The CHAIRMAN. Would you have any means of finding that out?

Mr. CARROLL. We could find it out. I think they would be very glad to give me the figures if requested.

The CHAIRMAN. Who? Brenner & Bird?

Mr. CARROLL. I think so.

The CHAIRMAN. Why would they be glad to give you the figures?

Mr. CARROLL. They claim they are not making any money out of the business.

The CHAIRMAN. At 10 per cent a quarter?

Mr. CARROLL. Yes. I tell you, Senator, there is no doubt that on the face of it that is an outrage.

The CHAIRMAN. I should think it is—on the face and on the inside.

Mr. CARROLL. Just a minute. I am not defending Brenner & Bird. I just want to make this statement: There are people in Osage County who are charging even more than that. For instance, I investigated a case one day—

Senator LANE. To whites or Indians?

Mr. CARROLL. To Indians. I investigated a case one day where I am satisfied a fellow never got but \$10, but yet he said he signed a note for \$190.

The CHAIRMAN. How many cases of that sort have come to your attention?

Mr. CARROLL. I have had a good many cases of the rottenest kinds of deals.

The CHAIRMAN. I have never had such a case as the one you state, but I have found a number of cases where it appears to me they have given a note, for instance, for \$200 and got \$100, half the amount they agreed to pay interest on, and then paid \$50 and were sued for \$75. That is to say, they only got half the money they were supposed to have borrowed, and got credit for half the money they paid.

Mr. CARROLL. No doubt about that at all.

The CHAIRMAN. Those operations, you say, do occur?

Mr. CARROLL. Oh, I know they do.

Senator LANE. You are the superintendent of the Indians there, are you, and put there to look out for their welfare?

Mr. CARROLL. Yes, sir.

Senator LANE. Have you done anything to stop this?

Mr. CARROLL. I have preached to those people, Senator, ever since I have been there to stop signing notes. I said, "You are the richest people in the world per capita, and you are correspondingly the deepest in debt. You are hog tied. You can not get away, not a one of you. If you had \$1,000 a day it would not do you any good."

Senator LANE. Have you any authority to stop these loans?

Mr. CARROLL. Not at all. Now, here is what I started out to say with reference to the 10 per cent a quarter. Any Osage Indian who has the proper security, who can furnish the proper collateral or proper indorsement can borrow money from any bank down there as cheaply as I can. I will make that statement to start with. I have a man here, Fred Lookout, who can go to the First National Bank at Pawhuska any time and borrow two or three or four thousand dollars, because they know Fred has got the stuff and he will pay his obligations. There are a lot of people who have not got that security, many of whom are not going to pay when they borrow, and, aside from that, who are going to be an interminable trouble every day from the time you get their names on your books. And when you remember the trouble that you are going to have with some people in collecting these obligations, and when you bear in mind that the death of an Osage Indian automatically cancels his debts—because the law itself provides that neither the lands nor the funds of an Osage Indian are liable for debt—you will see that 10 per cent a quarter is not as big as it looks when you first think of it.

The CHAIRMAN. The idea being that the fellows who do pay, in the end, must make up the losses occasioned by the fellows who die, and for that reason fail to pay, and those who for any cause fail to pay?

Mr. CARROLL. The fellows that do pay have to pay at an enormous rate.

The CHAIRMAN. Do you know Rosa Baconrind?

Mr. CARROLL. Oh, yes.

The CHAIRMAN. Do you know how her trust funds are handled?

Mr. CARROLL. No, sir; I do not.

The CHAIRMAN. Do you know whether or not Mr. Bird handled these funds privately and dealt them out as he desired?

Mr. CARROLL. I know that he did not.

The CHAIRMAN. How do you know that?

Mr. CARROLL. Because I know that nobody ever did that while I have been superintendent of the agency.

The CHAIRMAN. Do you know the Citizens' National Bank there?

Mr. CARROLL. I do.

The CHAIRMAN. Who is the president of that bank?

Mr. CARROLL. Mr. Vandervoort.

The CHAIRMAN. Do you know John and Mary McFall and know of their making a loan direct?

Mr. CARROLL. No, sir; I do not know of any loans from the banks.

The CHAIRMAN. You would not know of that?

Mr. CARROLL. Not unless it was brought to my special attention.

The CHAIRMAN. How would it be brought to your attention?

Mr. CARROLL. Well, suppose we had authority to settle the debts of an Indian. Suppose an Indian came in and said, "I want to withdraw my funds and use part of it paying everything I owe. I am harassed by my creditors." I have had cases like that. I have taken him at his word, and where I thought he was sincere, where I knew he was involved and he wanted to use his money for that purpose, I thought it was a proper purpose to let him use it for, provided that he had somebody to determine what he justly owed. In other words, I have taken the position that it was a proper use of trust funds to pay honest debts. I think any man ought to pay his honest debts, whether he is a white man or an Indian or anybody else. And I have recommended a good many applications for claims for that purpose. Now, where we have paid claims of different persons through my office I am very sure that we have not paid any exorbitant rate of interest. In fact, if I had my books—

The CHAIRMAN. How would you find out about that? What would you do? Supposing you were doing just what you say you think you ought to do, and supposing Brenner & Bird, for instance, had an Indian's note, signed by him for \$200. Would you go back of the note and find out that he actually got the money?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. How would you go about it?

Mr. CARROLL. I ask the Indian first when he borrowed this money. "How did you happen to owe Brenner & Bird \$200?" "Well, I borrowed so much at a certain time." "How much did you borrow?" "One hundred and fifty dollars." "When was this?" "I get out and find out when it was he got the money and calculate it at the legal rate of interest from that time."

The CHAIRMAN. Supposing he tells you one tale and the banker tells you another tale? Suppose the teller of the bank says. "He owes us \$200, and here is his note."

Mr. CARROLL. We always settle on the word of the Indian. Here is the point. Senator: To find out what the Indian wants to pay. If there were 10 accounts here presented against him. "Now, what is it you want to pay? You say you want to pay your debts. What is it you want to pay?" Let him tell me that, and then go into that claim and find out whether it is a just claim or not.

Representative STEPHENS. In other words, you select the claims?

Mr. CARROLL. Let him select them.

The CHAIRMAN. Do you recall the case of Paul Albert, of Pawhuska, an Osage Indian who had been given a certificate of competency and who made application for part of his trust fund—\$1,800—for the purpose of building a house, fencing his land, and buying a horse and buggy?

Mr. CARROLL. No, sir.

The CHAIRMAN. You do not recall anything about that case?

Mr. CARROLL. In the handling of these trust funds, Senator. I have had three people in immediate supervision. First was Mr. Whiting, who resigned last May. He was succeeded by a Mrs. Rappley, who went out from the Indian Office. She was succeeded later by Mr. Haygood, the assistant superintendent. Personally, I have handled very few cases.

The CHAIRMAN. Who does handle those cases?

Mr. CARROLL. As I say, the assistant superintendent. These three people have had that particular work.

The CHAIRMAN. You could not tell me anything about that case then?

Mr. CARROLL. I should be glad to tell you what the records show as to Paul Albert, if you want that, sir.

The CHAIRMAN. I should like very much to know. Do you know George Tayrien?

Mr. CARROLL. I do not believe I do, sir. I know William Tayrien pretty well.

The CHAIRMAN. Do you know anything about a land transaction in which George Tayrien was interested down there? Do you recall anything about it? Was it ever called to your attention?

Mr. CARROLL. No, sir. We have not sold any land since I have been there, Senator.

The CHAIRMAN. I am not informed.

Mr. CARROLL. I did not think it was advisable to sell any of those lands.

The CHAIRMAN. I really did not know when you went there, and I am inclined to think that this transaction may have occurred, and probably did occur, before you went there.

Mr. CARROLL. You see, they had four years of continuous drought, and I thought it was bad policy to sell those lands. They were not bringing anything anyway.

The CHAIRMAN. Did you know about the case of an Indian by the name of John A. Fugate, who took his trust fund and bought some mares and an automobile, and claimed that he got robbed in the deal?

Mr. CARROLL. No, sir. I could not say that that is so. I expect he was robbed all right. As a matter of fact, Senator, while we are on

that, more than half the Osage Indians are what we call on the roll "mixed bloods." The great majority of those people, of those mixed bloods, are as competent, from my point of view—you understand I am giving you my opinion—are practically white people, as competent as the average citizen of the community in which they live, and should be absolutely divorced from governmental supervision.

The CHAIRMAN. Of course, if they are that competent, that ought to be done, but if it has not been done, you know, and we are assuming to exercise a guardianship and espionage over them, that raises a different question.

Mr. CARROLL. Here is the point. Let us take the matter of trust funds. The act provides that these funds may be withdrawn in the discretion of the Secretary of the Interior when he thinks it is to the best interest. Now, I have been endeavoring for some time to get the office—not lately, but under the former administration when I took charge of the Osage, I endeavored to get the office to give me its view of a competent Indian. What do you mean by the word "competent"? Do you mean the man who has made a success? If you are measuring competency by the yard stick of commercial success, if a man must show two talents for every one that he has ever received, I can count the competent Osages on the fingers of that hand.

Representative STEPHENS. Who determines the competency, Mr. Carroll? How do you arrive at that?

Mr. CARROLL. That is a question of opinion, Judge. My point of view is, as I say, that a great many of those people are competent; that it would be to their best interests if they had everything in the world they have got and went through with it—if they went broke. I regard it as unfortunate—maybe I am getting too enthusiastic here?

The CHAIRMAN. No; go ahead.

Mr. CARROLL. I do not like to put too much of this in the record, Senator, but I do feel that the solution of the Osage situation, which is the most serious thing I have ever seen in my 18 years of Indian experience, where you do not see the results, where a man knows that he is not accomplishing anything—do you get the idea?

The CHAIRMAN. Yes; I do.

Mr. CARROLL. Suppose you were engaged in a business and the time never comes when you feel that you have done anything, when you have accomplished anything, when you have done any real constructive work? Why, out there on that little Apache Reservation that you gentlemen visited, as you rode up that canyon there, that good road that was built by those Indians—

The CHAIRMAN. The Mescalero?

Mr. CARROLL. Yes. When those poor devils, who have been pinched with cold and hunger, were informed that there was money available they would climb over each other to go and work on that road at a dollar and a quarter a day. Show me a condition like that and I will show you where a man can accomplish something.

The CHAIRMAN. Well, the Osage Indians are rich. They have more money than any community of white people in the world that I have heard of. As you said at the beginning of your statement, they are the wealthiest people in existence. They are restricted, are they? Is it your idea that the restrictions ought to be removed, and that they ought to be practically all turned loose?

Mr. CARROLL. Not practically all of them; no. I say the great majority of what we call the mixed bloods. The mixed bloods outnumber the full bloods a little. Now, I say the majority of those mixed bloods and some full bloods should be divorced from governmental supervision, turned loose—give them their lands and their money—and with the balance I would exercise a little closer supervision than we are exercising.

The CHAIRMAN. Take the numerous cases of Indians who have borrowed a certain sum of money and have been compelled to pay 10 per cent per quarter interest on amounts largely in excess of the amount they actually got. Is that class of Indians competent, in your judgment?

Mr. CARROLL. Some of them are, Senator, I think.

The CHAIRMAN. Your idea is that they are going to be robbed anyway and they had better be turned loose, and the sooner it is over with the better?

Mr. CARROLL. I do not think that, Senator.

The CHAIRMAN. I am curious to know your viewpoint. I realize it is a great problem.

Mr. CARROLL. When I find out, for instance, that an Indian who is practically a white man has taken his trust fund and bought an automobile and landed up in Chehalis, in the State of Washington, and hocked his automobile and begins to telegraph for money, I think he has done the proper thing. I think he is in a good plight. I do not see how you can regulate or legislate frugality into anybody.

The CHAIRMAN. But here is the point: When we assume that he is not frugal and that he can not be frugal, and we appoint somebody to supervise him, we are under some obligation to see that the man that supervises him is frugal for him. That is a distinction, I think, that needs to be made.

Mr. CARROLL. Yes; that is all right.

The CHAIRMAN. Now, is it not a crime against the laws of Oklahoma to take an Indian's note for \$200 or \$190 and let him have actually \$10?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. How many of those cases have you known?

Mr. CARROLL. That one case was the most exaggerated.

The CHAIRMAN. How many similar cases have you known?

Mr. CARROLL. Oh, probably two or three dozen cases that have been reported to me, where my investigation leads me to a point where I am morally sure and yet unable to prove the fact.

The CHAIRMAN. How many of those cases have you called to the attention of the United States district attorney?

Mr. CARROLL. I do not think I have called any.

The CHAIRMAN. Have there been no prosecutions of that kind?

Mr. CARROLL. No, sir; I do not think so.

The CHAIRMAN. Don't you think that if you had reported those cases to the district attorney he might at least have checked that fraud on them—that is, such a common and coarse form of fraud?

Mr. CARROLL. Is that part of the duties of the district attorney? Wouldn't that be a civil action in the county courts?

The CHAIRMAN. You have just said it was a crime, and I should think that a superintendent of an agency who has had a dozen cases of that sort with the Indians under his supervision would feel dis-

posed to call it to the attention of the district attorney. That would be a matter, however, for your determination. I have an idea, though, that if I were superintendent of an agency and one case of that sort was called to my attention I would call it to the attention of the district attorney and let him see—

Mr. CARROLL. What he could find out?

The CHAIRMAN. Yes; what could be done about it.

Mr. CARROLL. I make it a rule, of course, to bring to the attention of the attorney every case where we think there is any chance of prosecution. I do not feel we have been remiss in that respect; but to write the district attorney that I believe that John Jones actually loaned this fellow \$10 and got his note for \$190, and I wish you would investigate—I am afraid the attorney would think I was quite a nuisance.

The CHAIRMAN. No; I do not think so. I do not think there is an officer in the United States that would not be glad to have that kind of a case called to his attention if he wanted to do his duty, because, under the laws of every State in the Union that I have examined, it is plainly a criminal offense. In any event, I feel that if those Indians are under your supervision and those cases are called to your attention, you might do something to try to stop that kind of transaction, and that a failure to call it to the attention of any proper prosecuting officer or grand jury or court of the United States tends to acquiesce in it, to encourage it, to promote it.

Now, I want to ask you about another matter.

Mr. CARROLL. I was just going to say this in relation to competency. I was discussing this sometime ago in my office with the employees. I made the statement that if a man's competency were to be determined by the yardstick of success in business, that the only employee at the Osage Agency who would come within that classification would be the old negro messenger.

Senator LANE. That applies to whites as well as Indians?

Mr. CARROLL. Oh, yes, Senator.

Senator LANE. Over 90 per cent of all business enterprises fail, do they not?

Mr. CARROLL. None of us in the office, save this old negro messenger, who gets the smallest salary, have anything to show for the money we have made.

Senator LANE. You are not beating the Indian much, then, on your record in that respect?

Mr. CARROLL. Well, no; but I mean this—I would be offended with anybody who said I was not competent.

Senator LANE. I understand. The conclusion is that if you fail, and the Indian fails too, you are all going down the same road. I do not see where the distinction comes in.

The CHAIRMAN. That is just what he says. He does not make any distinction.

Mr. CARROLL. I say I think a man may be competent and yet be a business failure.

Representative STEPHENS. Mr. Carroll, is it not often the case that a rich man dies and leaves his sons with a large estate, and they squander it and never do any good until the last dollar is gone, and very often those fellows go to work and make good men?

Mr. CARROLL. Oh, yes.

Representative STEPHENS. I have seen that often myself.

Mr. CARROLL. I wanted to say this further, Senator, with reference to your point about the district attorney: We have had quite an anomalous situation down there for some time. In fact, it was there when I went there and still exists. Our tribal attorney, who, of course, gets the lion's share in the way of salary—\$5,000 a year—

The CHAIRMAN. Who is your attorney?

Representative STEPHENS. Mr. Shinn.

Mr. CARROLL (continuing). \$5,000 a year and traveling expenses, against \$2,750 for the superintendent, and \$150 of that for a bond—but the superintendent is not making any play for more salary—

The CHAIRMAN. Of course, Mr. Carroll, some of the biggest problems in the service are connected with that agency. It is due to a culmination of circumstances. The large amount of property and the controversies that have arisen over the leases are only two of the circumstances that affect that problem. Is there a feeling of hostility between the white people and the Indians in that country?

Mr. CARROLL. Why, I do not think so, Senator. You must remember this—don't forget this all the time: That so many of those Indians are white people—

The CHAIRMAN. To all intents and purposes.

Mr. CARROLL. I am living next door to a member of that nation whose children are in my house every day, whose family far outdress mine. I can not afford to dress my little girls as he dresses his.

The CHAIRMAN. He is rich?

Mr. CARROLL. He is rich and I am poor. They are intelligent; they are refined. Why, there are a lot of those people, you know, who are white people. They are not blanket Indians.

Representative STEPHENS. Chief Brown himself is a white man?

Mr. CARROLL. Yes; he is a white man. You have to divide those people into two classes before you can do anything.

Now let me finish this. I started to tell you about this condition of the tribal attorney. I have felt that the attorney should be in the office of the Osage Agency: should have his office right there and his library there: and that every legal question that is involved in any communication or any complaint that involves a matter of law or investigation ought to be turned over to that attorney. He can be furnished with a good library, a good stenographer, and be the legal adviser to the office and the department and to the Osage Nation and to any individual Indian who wants advice.

The CHAIRMAN. As a matter of fact, how is it handled now? What does the attorney do? Where does he live?

Mr. CARROLL. He lives in town. He has an office down town.

The CHAIRMAN. Does he do a general practice?

Mr. CARROLL. He does a general practice.

The CHAIRMAN. Have you known of cases where he took retainers, or his firm, where the interests of his special clients proved adverse to those of the Osage Indians?

Mr. CARROLL. I do not know of cases, Senator. I have heard it intimated once or twice that he had done things of that kind. I would rather say this to you privately.

The CHAIRMAN. Of course, I would like for you to state anything you can for the record. If it is a matter of opinion, of course, it

would not be proper, perhaps, to put it in the record. If you have knowledge about it—

Mr. CARROLL. I have no knowledge. I think that if the tribal attorney in the future—if his relation to the office were such as I think it should be, the work down there would be very much facilitated.

The CHAIRMAN. Is it not a fact that the tribal council is insisting upon the retention of the present attorney?

Mr. CARROLL. I do not know what the attitude of the council is.

The CHAIRMAN. I have some information to that effect.

Mr. CARROLL. I imagine the council feels friendly toward the attorney.

(Here followed a short informal discussion which was not reported.)

The CHAIRMAN. What official duties do you know of the tribal attorney for the Osages having performed during the time you have been superintendent of that reservation. What has he actually done that you know of?

Mr. CARROLL. I think he has filed a supplemental brief in one case, involving title to a piece of land on the Arkansas River—an allotment; that he has made a few trips to Washington, Guthrie, and around on official business in the interest of matters which he evidently considered justified him in incurring these expenses; also that he has met with the council in its various sessions and drawn resolutions for them, assisting them in the preparation of their minutes, and in general, that he has discharged the duties imposed by his contract.

The CHAIRMAN. What is the total number of employees at your agency?

Mr. CARROLL. I think about 15.

The CHAIRMAN. Are you doing any demonstration work in agriculture or anything of that sort?

Mr. CARROLL. No, sir.

The CHAIRMAN. Have you a school there, an agency school?

Mr. CARROLL. We are doing a little there at the school; that is all.

The CHAIRMAN. What is the total number of pupils in that school?

Mr. CARROLL. I think probably 75 or 80.

The CHAIRMAN. Are there other schools on the reservation?

Mr. CARROLL. Not for the Indians; but they are admitted to any public school.

The CHAIRMAN. How do they seem to get along in the public schools?

Mr. CARROLL. I think they are getting along pretty well. The only question is their attendance. It is difficult to secure regular attendance. That is the trouble.

The CHAIRMAN. Do you know what the school population of the Indians of that tribe is, approximately?

Mr. CARROLL. Probably 900.

The CHAIRMAN. What are the health conditions among the Osages?

Mr. CARROLL. I think they have pretty good health, comparatively speaking.

The CHAIRMAN. Have they much tuberculosis among them?

Mr. CARROLL. Not a great deal; not as much as some of the other Indian tribes.

The CHAIRMAN. Trachoma?

Mr. CARROLL. We do not have that to the extent that some of the southwestern Indians do.

The CHAIRMAN. Trachoma is reputed to be quite common among most of the Oklahoma Indians.

Mr. CARROLL. They have some there; but I am only comparing it with the Apaches, for instance, with whom I lived so long. I would say it is not so prevalent there as among the Apaches.

The CHAIRMAN. Do you know an Indian described by the name of Nora Childers, with a guardian by the name of Millard?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Has any disposition been made of her property?

Mr. CARROLL. No, sir.

The CHAIRMAN. An application was formerly pending for authority to sell it?

Mr. CARROLL. Yes.

The CHAIRMAN. That action has been suspended?

Mr. CARROLL. It was not taken. There was something that stopped it. We have a special man there, and have had him for several months, going through all those old guardianships and administrations.

The CHAIRMAN. The commissioner has been investigating that very fully.

Mr. CARROLL. I wrote the commissioner some time ago and put that up to him, and recommended that he send a man out there, and he promptly complied with my request.

The CHAIRMAN. Have you many professional guardians or administrators among your Indians? I mean, who are appointed for the Indians?

Mr. CARROLL. Well, I do not think so.

The CHAIRMAN. Do you know Mr. Ed. Kennedy?

Mr. CARROLL. Yes, sir.

The CHAIRMAN. Do you know how many he is guardian or administrator for?

Mr. CARROLL. I do not.

The CHAIRMAN. Do you know how many Brenner and Bird are guardians or administrators for?

Mr. CARROLL. I do not. They could not be for more than five. That is the State law.

The CHAIRMAN. How long has that been in force?

Representative STEPHENS. I think that is a recent rule.

The CHAIRMAN. Yes; quite recent. Have you many farm-land leases on that reservation?

Mr. CARROLL. A great many, Senator.

The CHAIRMAN. Who approves them?

Mr. CARROLL. They are approved by the Secretary of the Interior.

The CHAIRMAN. Do you know of any cases where oil wells have been sunk on land not leased by the trespassers?

Mr. CARROLL. The lands not leased?

The CHAIRMAN. Yes.

Mr. CARROLL. No, sir.

The CHAIRMAN. Your attention has never been called to any cases where they have just gone out and put down a well on lands they did not have a lease on?

Mr. CARROLL. No, sir.

The CHAIRMAN. Do you know Met-See-No or Mary Mudd, an Osage Indian widow?

Mr. CARROLL. I think I do.

The CHAIRMAN. What is her condition?

Mr. CARROLL. It seems to me we sent her off to Hot Springs or somewhere else recently. I won't be sure.

The CHAIRMAN. Is she indigent? Is she needy?

Mr. CARROLL. I do not think any of them are what you would call indigent.

The CHAIRMAN. Do you know whether she has suffered for any of the necessities of life or not?

Mr. CARROLL. I have not heard so.

The CHAIRMAN. Has that case been called to your attention?

Mr. CARROLL. No, sir.

The CHAIRMAN. There has been some information here that she has been unable to get sufficient of her trust fund to provide the necessities of life.

Mr. CARROLL. I do not think that could be so. In any emergency, you know, we always telegraph, and the authority is always forthcoming.

The CHAIRMAN. How is medical assistance procured for the Indians?

Mr. CARROLL. We have a contract physician there at the school who looks after the pupils there, but they provide their own—people outside of the school, you know.

The CHAIRMAN. Are they paid out of the trust funds in some instances?

Mr. CARROLL. Not unless it is some specific case. For instance, we might want to send a man to Oklahoma City for an operation, or Tulsa, or Arkansas City, or Kansas City, or some place like that, where we guarantee the fee. In that case we have a check drawn to cover that.

The CHAIRMAN. What do you consider the most serious problem surrounding the service at the Osage Agency?

Mr. CARROLL. I think, as I said in the beginning, the wealth of the Indians and the special legislation that applies to the Osage, particularly the act of April 18, 1912. I think that is an unfortunate piece of legislation—

The CHAIRMAN. What provision of it do you refer to?

Mr. CARROLL. I think it was unfortunate that the determination of heirs was taken away from the Secretary of the Interior and devolved upon the county court. I think that was unfortunate.

The CHAIRMAN. Do you know of cases where it seems to have worked evil?

Mr. CARROLL. Well, it takes about 14 months now to wind up an estate, to determine the heirs, you know.

The CHAIRMAN. You know there are some cases of heirship that have been pending in the department here for a great many years, the theory being that the force in the office has not been sufficient to properly investigate the cases and wind them up. I think there are some cases that have been pending five years, so that would not seem to be a tenable objection.

Mr. CARROLL. No; that would not seem to be.

The CHAIRMAN. What has this to do with it? One of the great troubles in any country where Indians own any considerable amount of property is that, very naturally, a long-continued trouble arises out the disposition of the white man to go after what he has got and to get it. And I imagine that local courts may in some instances be, unconsciously at least, subject to local influences.

Mr. CARROLL. Do not understand me as saying that the courts are corruptible. I do not charge that, of course, at all.

The CHAIRMAN. I have no hesitancy in saying that, so far as the administration of Indian funds in the probate courts of Oklahoma is concerned, they are open to any sort of attack that might be made upon them—

Mr. CARROLL. I mean this particular court.

The CHAIRMAN. I understood you that way. I am speaking now of the general trouble. Why should not a local court, residing in the immediate locality of the parties, and having such knowledge as necessarily comes to one who is necessarily associated intimately with the circumstances surrounding the case be better able to determine it than somebody in the bureau?

Mr. CARROLL. I think the principal trouble with the act is its obscurity. The courts, the office, and the department are unable to reconcile their views. They do not know how to determine it, it seems.

Section 6 of that act, relating to partitions of estates, seems to be calculated to work a very serious hardship on the Indians. An incompetent Indian can be made a party to a partition, whether he wants to be or not. A lawyer can induce any heir to file a partition suit, not consulting other heirs or my office, and make every other heir a party to it and pile up attorneys' fees; and it does not seem to me right that it should be done that way.

The CHAIRMAN. I do not think I have any further questions now. I may want to confer with you again about some different matters.

Representative STEPHENS. Osage County, I believe you stated, is all Indian country? That is one of the counties of Oklahoma?

Mr. CARROLL. Yes, sir. The present Osage County was formerly the Osage Reservation.

Representative STEPHENS. The Indians are all voters there, are they?

Mr. CARROLL. I do not believe they all vote, but I should think they had a right to.

Representative STEPHENS. As a matter of fact, they have. They do not vote in the election of the county officers?

Mr. CARROLL. A good many of them do. I saw one member of the Osage Nation the other day sitting on a Federal grand jury.

Representative STEPHENS. Do they hold any of the county offices?

Mr. CARROLL. I do not believe any of our present officers are Osages, but there are some of them who are quite as capable as the present officers. I should say.

(The joint commission thereupon proceeded to other business.)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN SUPERINTENDENT,
Pawhuska, Okla., March 26, 1914.

MY DEAR SENATOR: In my testimony before your committee while in Washington I answered some questions concerning the disposition of the trust funds of certain Indians, and afterwards promised you personally to send you some

information from the records concerning the cases of Rose Bacon Rind, Paul Albert. John and Mary McFall, George Tayrien, and John A. Fugate, and have attached a separate memorandum in each case.

I also inclose a paper which each Indian and creditor was required to sign—the creditor under oath—before any check would be drawn. In all cases Indians were cosely questioned as to items and amounts, and unless an Indian was reasonably certain that the account was correct and he wanted to pay it there was no settlement. If the creditor and the Indian could not agree, the creditor had to accept what the Indian said he owed or nothing. The burden of proof was always upon the creditor, but if he proved his claim and did not convince the Indian the Indian was not allowed to pay through the office. It was the voluntary payment of an acknowledged and seemingly just debt or there was nothing paid.

Rose Bacon Rind has never asked to have a house built. She did ask to have her debts paid, and all facts were before the Indian Office and the department when her claim was allowed.

Although Rose does not read nor write she is an intelligent woman, and has spoken and understood English from childhood. If you care to have a statement from her I will ask Mr. Baker, the examiner in probate matters, to take her deposition without the presence of anyone who has had anything to do with her case, or with this office.

In giving my testimony concerning John A. Fugate, I find that I have done him some injustices, as I confused him with another young man, now in the State of Washington, who was given a considerable sum of back annuity money, not trust funds. Mr. Fugate and his mother have been in the office and were questioned concerning the disposition of his trust funds. Both consider that the business experience gained in having the unrestricted use of the money was most beneficial. He is now about 25 years of age, of one-sixteenth Osage blood, of fair education, good habits, has a white wife and a baby. His trust funds were expended as follows:

For house on surplus lands.....	\$500.00
Another house (the first one having blown down).....	1,000.00
Cattle, horses, and buying back lease on lands.....	1,200.00
Farming implements, feed, and fences.....	500.00
Team previously bought.....	250.00
Not accounted for.....	369.76

3,819.76

He traded a team with colts, wagon, and harness, and a lease on his homestead for an automobile. The machine was old and was used up in four months, so, without consulting the former owner and lessee, he took possession of the homestead and has it now. He has 5 horses, two milch cows, 2 hogs, and owes \$500 on a team. He has two teams at work in the oil fields from which he earns, net, \$100 a month. Farming has not been profitable in Oklahoma for the past four years. I consider that the boy has made a fair showing, without counting the benefit gained from his experience.

I have inquired into the case of Mary Mudd, a full blood about 60 years of age, and find that she has received through this office since March 1, 1913, \$2,414.86 (\$180 from rentals and \$2,234.86 from interest on tribal fund and oil and gas royalties), and all paid direct to her as required by the law. Also, she has received money from leases made outside the office. She has no one but herself to support, has lived with her daughter, and for several months has lived with her son at Avant, Okla. Both she and her son stated in the office yesterday that she had plenty of food and clothing, a comfortable place to live, and that the only thing that she has to complain about is rheumatism, and that she had enough money and is going to Claremore hot springs for treatment. She appears to be well nourished, and was comfortably and neatly clad. It is possible that the rumors of suffering and lack of money were put into circulation by persons who have tried to induce her to sell her inherited land. The office heard some months ago that some person had told her that it had to be sold through the county court in a suit for partition. Mary is the sole heir of her daughter, and she has been warned about signing any deeds, or deeds disguised as leases. She can not speak English, but her son has a fair education.

In thinking over my testimony I find that I expressed myself rather too strongly with regard to usury, referring to it as a crime, whereas, under the

statutes of Oklahoma (Harris-Day Code) the penalty is forfeiture of twice the amount of the usurious interest only. Laymen are prone unthinkingly to characterize any violation of law as a crime. In cases of usury the remedy is, of course, an action by the Indian in the State courts; but, the Indians, with reason, have little faith in their being able to win in a suit against a white man who can produce their notes as evidence against their oral statements.

I would like to bring to your attention something which occurred a day or two after I appeared before your committee. Mr. Keating asked me whether I had talked with anyone concerning my testimony, and I told him that I had spoken to no one but the commissioner and assistant commissioner, and then only to say that I had tried to give full and frank answers to all interrogatories. The reason Mr. Keating gave for asking the question was that some of the testimony had already leaked out and he could not locate the source. I found when I reached Pawhuska that many of my statements, greatly exaggerated, had been in circulation here for several days. As the only persons present other than the members of the commission and myself were the secretary of the commission and the official stenographer and Mr. Sloan, it should not be very difficult to locate the leak.

After testifying I talked with the commissioner about a number of matters in connection with Osage affairs, and I was glad to find that the commissioner was now making of broader scope contracts with tribal attorneys, and instead of contracts requiring attorneys to represent Indians in tribal affairs only, that attorneys are to be required in future to assist in the work of the office in tribal or individual matters, to give friendly legal advice to Indians, and to assist the office in carrying out the provisions of section 3 of the act of April 18, 1912. This was the point that I tried to bring out in my testimony with reference to the existing contract with the present tribal attorney. Assuming that the letter of the contract has been carried out, I am of the opinion that the new contract as proposed by the commissioner will secure to the Indians, as a nation and individually, a service more commensurate with the compensation that is being paid.

Developments in connection with probate matters by the special examiner who was sent here, as well as a recent opinion by the Assistant Attorney General for the Interior Department, strengthen my conviction that the act of April 18, 1912, was a most unfortunate piece of legislation. Under departmental interpretation of the act, the Government can not protect the rights of many incompetent Indians. When an Osage Indian who has a certificate of competency dies, the only property that remains under control of the Government is his trust funds and oil and gas royalties, and there is nothing that the Government can do to protect the interests of his children in respect to real property. If he has not a certificate of competency, the restrictions follow as to tribal Indians who have no certificates of competency. The cost of probating and partitioning an Osage estate is, on an average, about 15 per cent of the value of the land. In a recent case the cost was over \$500 to divide about 1,300 acres between three equal heirs, who made their own selections and agreed upon them, and the same division could have been made out of court under section 6 of the act of April 18, 1912, without any cost. There is no doubt that Indians are frequently advised by interested persons that their cases must be taken into the courts; and as attorneys take advantage of the fact that the act does not specifically require copies of papers filed in the district court to be served on the superintendent, as is the case with papers filed in the county court, action is taken in the district court without my knowledge, except in a few instances, and it is then too late to aid the ward of the Government in the matter of fees.

If there is anything more that you would like to know about the above cases or any other I will be glad to inform you further. I desire to work in full harmony with your commission, and it is my pleasure as well as my duty to assist in procuring and reporting all material facts in connection with complaints concerning Osage matters, irrespective of the character of the persons making them or their motives.

I am willing that this letter should be made a part of the record.

Very truly, yours,

SAMUEL CARROLL, *Superintendent.*

HON. JOE T. ROBINSON,

*Chairman Joint Commission of Congress
to Investigate Indian Affairs.*

Rose Bacon Rind (full-blood Osage).

Warrant for trust funds deposited in bank May 28, 1913-----	\$1, 941. 28
Interest accrued while on deposit-----	2. 82
	1, 944. 10

Checked out from June 23 to Aug. 28, 1913, as follows:

Bright Roddy (merchandise)-----	\$46. 25
Osage Mercantile Co. (merchandise)-----	107. 00
Citizens National Bank, Pawhuska-----	900. 00
Do-----	260. 00
Andrews & Co. (hardware)-----	37. 80
Self-----	60. 00
Do-----	60. 00
Do-----	90. 00
F. T. Williamson (horse)-----	150. 00
Self-----	60. 00
F. T. Williamson-----	10. 90
F. S. Kelly (furniture)-----	130. 00
Pawhuska Furniture Co. (furniture)-----	30. 00
Self-----	2. 15
	1, 944. 10

The trust funds were withdrawn for the purpose of paying debts and authority given by the Commissioner of Indian Affairs to make such disbursements and also, at her request, to pay a monthly allowance out of the balance.

Paul Albert (full-blood Osage).

Warrant for trust funds deposited in bank June 4, 1913-----	\$1, 922. 96
Interest accrued while on deposit-----	2. 63
	1, 925. 59

Checked out from July 29, 1913, to December 1, 1913, as follows:

Self-----	\$50. 00
Bright Roddy (merchandise)-----	91. 10
Self-----	50. 00
Do-----	10. 00
Self (paid to Mrs. Ann M. McG. La Motte)-----	207. 22
Self-----	15. 00
Osage Mercantile Co. (merchandise)-----	51. 45
F. M. Crews (on house)-----	600. 00
Self-----	20. 00
Do-----	60. 00
Do-----	60. 00
Do-----	60. 00
Do-----	49. 07
	1, 323. 84

Citizens' National Bank, Pawhuska, \$601.75, made into cashier's checks and paid as follows:

Bird and Brenner (27 small notes for money borrowed from June 6, 1913, to July 29, 1913)-----	\$315. 50
American National Bank, Powhuska, note-----	75. 00
Osage Mercantile Co. (merchandise)-----	12. 00
Hugh S. Jarvis (insurance)-----	17. 65
Hominy Trading Co-----	181. 50
	601. 75
	1, 925. 59

Application was made and claim allowed for the purpose of paying debts, improving property in Indian village, and the balance to be paid as necessity might require, and authority was granted by the Commissioner of Indian Affairs to make the expenditures.

John and Mary McFall (full-blood Osages).

John McFall:

Trust funds deposited Sept. 10, 1913-----	\$3, 889. 88
Interest accrued in bank-----	4. 61
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	3, 894. 49

Checked out from September 9, 1913, to February 2, 1914, as follows:

Bertie B. Maher (one-half purchase price of 160 acres of land, with house and other improvements)-----	\$3, 500. 00
Wagon and harness-----	200. 00
Self-----	80. 00
Self (furniture)-----	88. 50
Self-----	25. 99
	<hr/>
	3, 894. 49

Mary McFall:

Trust funds deposited Sept. 10, 1913-----	3, 889. 88
Interest accrued in bank-----	4. 46
	<hr/>
	3, 894. 34

Checked out from September 10, 1913 to January 19, 1914, as follows:

Bertie B. Maher (one-half purchase price of 160 acres of land, with house and other improvements)-----	\$3, 500. 00
Self (hogs, chickens, and turkeys)-----	290. 50
Self (feed)-----	50. 00
Self-----	53. 84
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	3, 894. 34

Application was made and claim allowed for the purpose of purchasing the old home of Mary McFall, where she lived as a child. The appraised value was \$7,000. The deed was made to them jointly, with restrictions on alienation without the approval of the Secretary of the Interior until 1931, and the deed is recorded in the office of the register of deeds, Osage County. All the above expenditures were made under authority given by the Commissioner of Indian Affairs.

George A. Tayrien (one thirty-second blood Osage).

Trust funds deposited Feb. 27, 1913-----	\$3, 880. 40
Checks to his order on same day as follows:	
For purchase price of \$209.75 acres of land for unallotted minor child, with restrictions on alienation during minority without the approval of the Secretary of the Interior-----	2, 000. 00
To recover land leased for four years, rentals paid in advance, \$1,000; and \$880.40 for unrestricted use-----	1, 880. 40
	<hr/>
	3, 880. 40
Balance of 5 cents paid on check Aug. 13, 1913-----	. 05
	<hr/>
	3, 880. 45

Application was made and claim allowed for the purposes above specified and disbursements were made under authority given by the Commissioner of Indian Affairs.

John A. Fugate (one-sixteenth blood Osage).

Attached is a copy of a report prepared by Vernon Whiting, competency commissioner, for the superintendent's signature, to accompany the application of John A. Fugate for trust funds.

The amount of the warrant was \$3,819.72 and was paid to him without restrictions, as recommended, with the approval of the Commissioner of Indian Affairs and the Secretary of the Interior.

SUPERINTENDENT'S REPORT ON APPLICATION FOR OSAGE FUNDS.

Name, John A. Fugate; age, 21 years.

Allotment No. 1142. Approved roll No. 1229. (Current roll No. 2392.) Degree of Indian blood, one-sixteenth.

Inherited interests (name of allottee, number of allotments, and proportion): No inherited estate.

1. Has applicant any money in the Treasury from sale of inherited land? (If so, how much and what land?) No.

2. Average annual income, including rentals? About \$600 a year.

3. What money is applied for? Individual Osage trust fund, \$3,819.76.

4. Do you know applicant personally? Yes.

5. Does applicant speak and understand English? Yes.

6. Is he living in an Indian or a white community? White.

7. Has applicant a good character and reputation? Yes.

8. Does applicant use intoxicants; and if so, to what extent? No.

9. Is applicant in debt? (If so, to what extent and for what purpose was debt incurred?) About \$800, for money used in building a house and for living expenses.

10. Number in family (spouse and minor children). Self and wife (white); no children.

11. If applicant is separated from family, with whom are minor children, and who supports them? (Give particulars.) Applicant lives with his wife and supports her.

12. Has applicant a certificate of competency? (If so, give date.) No.

13. Have minor children's moneys and lands been properly expended and managed? (Give particulars.) No minor allotted children.

14. To what extent, if any, is applicant physically or mentally disabled? Applicant and his wife are in good health.

15. If the applicant is a minor of school age, is he in school? (What school? If not, why?)

16. Do you believe the applicant can and will properly handle the amount applied for, or any part thereof? (How much, if any?) Yes.

17. Do you consider it to the best interest and welfare of the applicant to pay all or a part of the sum applied for? (Why?) \$3,819.76, that applicant may pay his indebtedness and improve his lands, and also to use \$300 of it to procure possession of his homestead, which is leased for this and next year, the rent being paid in advance.

18. How much do you recommend be paid? All, \$3,819.76.

19. Do you recommend that any or all, if paid, be deposited and handled under your supervision? None.

20. If application is made by a guardian, state whether you consider him a competent and reliable person, who will manage the money to the best interest of his ward? (Why?)

21. If not, have you made any protest or complaint to the court?

22. Are you personally acquainted with the guardian? (If not, on what do you base your statement?)

23. If the applicant is a white person, state whether he has an Indian wife or any Indian children. And if so, who are they and what property have they? Applicant is a one-sixth Osage married to a white woman.

24. Is he living with and supporting his Indian family?

25. If he has an Indian family, is he of good character and reputation, and competent?

26. What do you recommend as to payment? \$3,819.76 to be paid to applicant direct.

I hereby certify that the following statement was made orally by the applicant to Vernon Whiting, competency commissioner, and I believe applicant to be worthy of belief.

Applicant states that he has not promised or agreed, orally or in writing, to pay anyone for services in connection with this claim, and that he has not been induced by anyone to make this application.

I also certify to the truth of my above report on the application.

Superintendent and Special Disbursing Agent.

Remarks.—Applicant is just past 21 years of age, one-sixteenth Osage, has a good education, is strong and healthy, and has the qualification to properly manage his own business. He is sober and industrious. He has resources outside of his Osage estate and surplus land, consisting of household goods, team of horses, two cows, and some farming machinery, all of which is clear of incumbrance. He is in debt about \$800, which money was used in building upon his homestead.

Applicant states that he wishes possession of his homestead, which is leased for two years in advance, move thereon with his wife, and farm the land. His Indian blood is hardly noticeable, and he is virtually a white man.

OSAGE INDIAN AGENCY.

Pawhuska, Okla., February 26, 1914.

JAMES A. CARROLL,

Superintendent Osage Indian Agency.

DEAR SIR: Following is the synopsis showing the extent of acreage contained in the Foster lease, amount developed, amount undeveloped, total number of dry holes, oil wells, and gas wells, according to schedules:

Lessee.	Total acreage.	Acreage developed.	Acreage undeveloped.	Development.		
				Dry.	Oil.	Gas.
SCHEDULE No. 1.						
131 lessees controlling under 5,000 acres.....	142,950	102,101	40,849	352	865	57
SCHEDULE No. 2.						
(More than 5,000 and less than 10,000 acres.)						
Belmont Oil Co.....	8,960	5,760	3,200	3	20	4
Imperial Osage Development Co.....	8,320	320	8,000	1	.....	.....
Matson Oil Co.....	5,880	5,880	.....	12	111	.....
Manhattan Oil Co.....	9,340	4,420	5,120	24	65	.....
Roth-Argue, Maire Bros.....	9,020	4,400	4,620	17	84	.....
Wolverine Oil Co.....	5,280	5,280	.....	23	122	8
SCHEDULE No. 3.						
(More than 10,000 and less than 20,000 acres.)						
Boston-Osage Oil Co.....	10,160	7,500	2,560	12	17	4
Midland Oil Co.....	10,750	2,550	8,200	3	.....	.....
SCHEDULE No. 4.						
(More than 20,000 and less than 40,000 acres.)						
Prairie Oil & Gas Co. and associates.....	32,620	23,180	9,440	47	245	10
Steyner Oil Co.....	22,160	10,400	11,760	23	46	4
San Francisco-Osage Co.....	27,520	1,280	26,240	3	.....	.....
SCHEDULE No. 5.						
(More than 40,000 and less than 50,000 acres.)						
Indiana Territory-Illinois Oil Co.....	46,800	19,030	29,570	50	53	7
SCHEDULE No. 6.						
(More than 50,000 acres.)						
Barnsdall Oil Co. and associates.....	334,757	132,270	202,487	269	695	51
Total.....	676,317	324,271	352,046	839	2,323	145
Wells drilled by Indian Territory Illuminating Oil Co. on these properties.....	.....	.....	.....	17	13	77

Very respectfully,

J. F. YORK, *Oil Inspector.*

Schedule showing number of subdivision, tract, description, lessee, development, and production up to Jan. 31, 1914, under oil and gas mining leases approved under regulations of July 3, 1912.

[Asterisk indicates the several tracts that were leased under the letting of Nov. 11, 1912. Remainder was leased under administration of Commissioner Sells.]

Sub-division No.	Description.	Lessee.	Development.					Production.	Remarks.
			Oil.	Gas.	Dry.	Drilling.	Location.		
	TRACT NO. 4.								
*4	Secs. 27, 28, 33, 34, T. 24, R. 9.	Continental Oil & Refining Co. and Prairie Oil & Gas Co.			1			Barrels.	
*5	Secs. 29, 30, 31, T. 24, R. 9.	do.				1			
*6	Secs. 5, 7, 8, 9, T. 23, R. 9.	do.	1					Small.	
*11	Sec. 11, T. 22, R. 9.	do.			1				
*18	Sec. 29, T. 22, R. 9.	do.			1				
*22	Sec. 34, T. 21, R. 9.	Steel, Elliott, Bisset & McClintock.			1				
*24	Sec. 20, T. 22, R. 10.	Continental Oil & Refining Co. and Prairie Oil & Gas Co.			1				
*25	Sec. 21, T. 22, R. 10.	do.	1				3,643.41	6 months.	
*26	S. ½ sec. 22, T. 22, R. 10.	do.	2				2,798.20	7 months.	
*27	N. ½ sec. 22, T. 22, R. 10.	do.			1				
*28	E. ½ sec. 14, T. 22, R. 10.	West Virginia Osage Oil Co.	2		3		3,993.63	5 months.	
*29	W. ½ sec. 14, T. 22, R. 10.	Southwest Oil Co. & Steel.	2				483.28	3 months.	
*30	Sec. 16, T. 22, R. 10.	Continental Oil & Refining Co. and Prairie Oil & Gas Co.			1				
*31	Sec. 11, T. 22, R. 10.	Southwest Oil Co. & Steel.		1	1				
*32	Sec. 33, T. 23, R. 10.	Continental Oil & Refining Co. and Prairie Oil & Gas Co.			1				
	TRACT NO. 5.								
1	Lot 1, sec. 6, T. 21, R. 8.	Gypsy Oil Co.			1				
2	Lot 2, sec. 6, T. 21, R. 8.	do.			1	1			
3	Lot 3, sec. 6, T. 21, R. 8.	do.	3			1	78,057.65	2 months.	
4	Lot 4, sec. 6, T. 21, R. 8.	do.	1						
5	Lot 5, sec. 6, T. 21, R. 8.	do.	1			1			
6	Lot 6, sec. 6, T. 21, R. 8.	Twin State Oil Co.	1						
7	Lot 7, sec. 6, T. 21, R. 8.	Gypsy Oil Co.	1						
8	E. ½ of NE. ¼ of sec. 2, T. 21, R. 7.	Prairie Oil & Gas Co.			1				
*10	Secs. 1, 2, 3, 4, and fractional secs. 9, 10, 11, 12, T. 22, R. 7.	Keystone Oil & Gas Co. and Prairie Oil & Gas Co.				1			
11	NW. ¼ sec. 2, T. 21, R. 7.	Savoy Oil Co.			1				
12	NE. ¼ sec. 3, T. 21, R. 7.	M. A. Brast.				1		Rig on ground.	
13	NW. ¼ sec. 3, T. 21, R. 7.	Summit Oil & Gas Co.			1				
14	NE. ¼ sec. 4, T. 21, R. 7.	do.							
15	NW. ¼ sec. 4, T. 21, R. 7.	Finance Oil Co. & Markham, jr.							
16	Lots 1 and 10, sec. 5, T. 21, R. 7.	M. A. Brast.							
*17	Secs. 4, 5, 6, 7, 8, 9 and N. ½ secs. 16, 17, 18, T. 23, R. 8.	Kennedy, Springer, and White, and Sinclair.		4			6,823.70	4 months' run; 1 combination well.	

Schedule showing number of subdivision, etc.—Continued.

Sub-division No.	Description.	Lessee.	Development.					Production.	Remarks.
			Oil.	Gas.	Dry.	Drilling.	Location.		
	TRACT No. 5—Con.							Barrels.	
18	E. $\frac{1}{2}$ SE. $\frac{1}{4}$ sec. 2, T. 21, R. 7.	Prairie Oil & Gas Co.					1		Rig on ground.
20	SW. $\frac{1}{4}$ sec. 2, T. 21, R. 7.	Laurel Oil & Gas Co.			1				
21	SE. $\frac{1}{4}$ sec. 3, T. 21, R. 7.	Finance Oil Co. & Markham, jr.							
22	SW. $\frac{1}{4}$ sec. 3, T. 21, R. 7.	Summit Oil & Gas Co.							
23	SE. $\frac{1}{4}$ sec. 4, T. 21, R. 7.	M. A. Brast.							
24	SW. $\frac{1}{4}$ sec. 4, T. 21, R. 7.	Summit Oil & Gas Co.			1				
25	Lots 8 and 9 sec. 5, T. 21, R. 7.	do.							
27	NW. $\frac{1}{4}$ sec. 9, T. 21, R. 7.	do.							
*28	Sec. 30, T. 22, R. 8.	Prairie O. & G. Co.; Shulthis & Southwest Oil Co.			1				
*29	Sec. 31, T. 22, R. 8.	Minnehoma Oil Co.	12					123,587.80	7 months.
30	NE. $\frac{1}{4}$ sec. 9, T. 21, R. 7.	Gypsy Oil Co.				1			
31	NW. $\frac{1}{4}$ sec. 10, T. 21, R. 7.	do.			1				
32	NE. $\frac{1}{4}$ sec. 10, T. 21, R. 7.	Summit Oil & Gas Co.							
33	NW. $\frac{1}{4}$ sec. 11, T. 21, R. 7.	J. W. Strond.			1				
34	W. $\frac{1}{2}$ NE. $\frac{1}{4}$ sec. 11, T. 21, R. 7.	Savoy Oil Co.					1		
35	E. $\frac{1}{2}$ NE. $\frac{1}{4}$ sec. 11, T. 21, R. 7.	Prairie Oil & Gas Co.				1			
36	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 12, T. 21, R. 7.	Gypsy Oil Co.					1		Rig on ground.
37	NE. $\frac{1}{4}$ NW. $\frac{1}{4}$ sec. 12, T. 21, R. 7.	do.					1		Do.
38	Lot 6, sec. 12, T. 21, R. 7.	do.	1						
48	W. $\frac{1}{2}$ SE. $\frac{1}{4}$ sec. 11, T. 21, R. 7.	do.					1		
49	SW. $\frac{1}{4}$ sec. 11, T. 21, R. 7.	C. C. Nelson.					1		Do.
50	SE. $\frac{1}{4}$ sec. 10, T. 21, R. 7.	M. A. Brast.							
51	SW. $\frac{1}{4}$ sec. 10, T. 21, R. 7.	Gypsy Oil Co.			1				
52	SE. $\frac{1}{4}$ sec. 9, T. 21, R. 7.	do.			1				
53	Lots 3 and 4 and NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 9, T. 21, R. 7.	Summit Oil & Gas Co.							
54	Lots 1 and 2, sec. 16, T. 21, R. 7.	M. A. Brast.							
55	Lots 1 and 2, sec. 15, T. 21, R. 7.	Summit Oil & Gas Co.				1			
56	N. $\frac{1}{2}$ NE. $\frac{1}{4}$ and lots 3 and 4, sec. 15, T. 21, R. 7.	J. S. Cosden.					1		
57	N. $\frac{1}{2}$ NW. $\frac{1}{4}$ and lots 1 and 2, sec. 14, T. 21, R. 7.	Finance Oil Co. and Markham, jr.					1		
61	NE. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 25, T. 22, R. 7.	Monitor Oil & Gas Co.		1					
62	NW. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 25, T. 22, R. 7.	do.				1			
71	SE. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	Roxana Petroleum Co.					1		
72	SW. $\frac{1}{4}$ NE. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	Minnehoma Oil Co.							
73	NE. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	Prairie Oil & Gas Co.			1				
74	NW. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	do.			1				
75	SE. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	do.		8					
76	SW. $\frac{1}{4}$ SE. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	do.	3		1			16,715.10	2 months.

Schedule showing number of subdivision, etc.—Continued.

Sub-division No.	Description.	Lessee.	Development.					Production.	Remarks.
			Oil.	Gas.	Dry.	Drilling.	Location.		
	TRACT NO. 5—Con.							Barrels.	
77	E. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 25, T. 22, R. 7.	Gypsy Oil Co.				1			
78	W. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 25, T. 22, R. 7.	Roxana Petroleum Co.			1				
79	E. $\frac{1}{2}$ SW. $\frac{1}{4}$ sec. 25, T. 22, R. 7.	do.		1					
81	N. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	Lawrence Gas Co. and Iron Mountain Oil Co.			1				
82	S. $\frac{1}{2}$ NW. $\frac{1}{4}$ sec. 33, T. 22, R. 7.	Prairie Oil & Gas Co.					1		Rig up.
83	NE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	do.			1				
84	NW. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	do.			1				
85	SE. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	do.					1		Do.
86	SW. $\frac{1}{4}$ SW. $\frac{1}{4}$ sec. 36, T. 22, R. 7.	do.					1		Do.
87	NE. $\frac{1}{2}$ sec. 26, T. 22, R. 7.	Gypsy Oil Co.				1			
89	SE. $\frac{1}{4}$ NW. $\frac{1}{4}$ and lots 1 and 2, sec. 26, T. 22, R. 7.	M. A. Brast.			1				
90	SW. $\frac{1}{4}$ sec. 26, T. 22, R. 7.	Prairie Oil & Gas Co.			1				
91	S. $\frac{1}{2}$ SE. $\frac{1}{4}$ and lots 7 and 8, sec. 27, T. 22, R. 7.	Gypsy Oil Co.				1			
92	Lots 5 and 6, sec. 27, and lot 5, sec. 28, T. 22, R. 7.	do.			1				
94	NW. $\frac{1}{4}$ sec. 34, T. 22, R. 7.	do.				1			
95	NE. $\frac{1}{4}$ sec. 34, T. 22, R. 7.	Gypsy Oil Co.			1				
96	NW. $\frac{1}{4}$ sec. 35, T. 22, R. 7.	Finance Oil Co. & Markham, jr.					1		
97	NE. $\frac{1}{4}$ sec. 35, T. 22, R. 7.	Prairie Oil & Gas Co.					1		Do.
98	SE. $\frac{1}{4}$ sec. 35, T. 22, R. 7.	Twin State Oil Co.					1		
99	SW. $\frac{1}{4}$ sec. 35, T. 22, R. 7.	Summit Oil Co.					1		
100	SE. $\frac{1}{4}$ sec. 34, T. 22, R. 7.	Finance Oil Co. & Markham, jr.					1		
101	SW. $\frac{1}{4}$ sec. 34, T. 22, R. 7.	Summit Oil & Gas Co.							
102	SE. $\frac{1}{4}$ sec. 33, T. 22, R. 7.	Finance Oil Co. & Markham, jr.							
103	SE. of SW. and lots 4 and 5, sec. 33, T. 22, R. 7.	M. A. Brast.							
105	NE. $\frac{1}{4}$ sec. 29, T. 22, R. 8.	Carter Oil Co.				1			
106	NW. $\frac{1}{4}$ sec. 28, T. 22, R. 8.	Monitor Oil & Gas Co.				1			
107	NE. $\frac{1}{4}$ sec. 28, T. 22, R. 8.	W. S. Mowris.			1				
108	NW. $\frac{1}{4}$ sec. 27, T. 22, R. 8.	J. W. Stroud.				1			
109	NE. $\frac{1}{4}$ sec. 27, T. 22, R. 8.	Gypsy Oil Co.				1			
110	SE. $\frac{1}{4}$ sec. 27, T. 22, R. 8.	Summit Oil & Gas Co.							
111	SW. $\frac{1}{4}$ sec. 27, T. 22, R. 8.	do.	1						In Bartlesville sand, show of oil.
112	SE. $\frac{1}{4}$ sec. 28, T. 22, R. 8.	Gypsy Oil Co.				1			
113	SW. $\frac{1}{4}$ sec. 28, T. 22, R. 8.	do.				1			
114	SE. $\frac{1}{4}$ sec. 29, T. 22, R. 8.	Leschen & Roeser.				1			
115	SW. $\frac{1}{4}$ sec. 29, T. 22, R. 8.	Kanawha Oil Co.					1		Rig up.

Schedule showing number of subdivision, etc.—Continued.

Sub-division No.	Description.	Lessee.	Development.					Production.	Remarks.
			Oil.	Gas.	Dry.	Drilling.	Location.		
	TRACT No. 5—Con.							Barrels.	
118	NE. $\frac{1}{4}$ sec. 33, T. 22, R. 8.	Finance Oil Co. & Markham, jr.	..	..	..	..	..	..
119	NW. $\frac{1}{4}$ sec. 34, T. 22, R. 8.	M. A. Brast.....	..	..	..	..	..	..
120	NE. $\frac{1}{4}$ sec. 34, T. 22, R. 8.	....do.....	..	..	..	..	..	..
121	SE. $\frac{1}{4}$ sec. 34, T. 22, R. 8.	Summit Oil & Gas Co.	..	..	..	1	..	..
122	SW. $\frac{1}{4}$ sec. 34, T. 22, R. 8.	Finance Oil Co. & Markham, jr.	..	..	..	..	..	..
123	SE. $\frac{1}{4}$ sec. 33, T. 22, R. 8.	Summit Oil & Gas Co.	..	..	..	1	..	..	Show of oil, Layton sand.
	Total.....		40	7	35	33	18		

NOTE.

Prairie Oil & Gas Co.'s production in sec. 36, T. 22, R. 7, 105 barrels per day.
 Minnehoma Oil Co., sec. 31, T. 22, R. 8, 125 barrels per day.
 Twin State Oil Co., lot 6 of sec. 6, T. 21, R. 8, 85 barrels per day.
 Gypsy Oil Co., lots 2, 3, 4, 5, and 7 of sec. 6, T. 21, R. 8, 1,200 barrels per day.
 West Virginia Osage Oil & Gas Co., E. $\frac{1}{2}$ sec. 14, T. 22, R. 10, 21 barrels per day.
 Continental Oil & Refining Co., sec. 21, T. 22, R. 10, 18 barrels per day.
 Continental Oil & Refining Co., sec. 22, T. 22, R. 10, 11 barrels per day.
 Kennedy, Springer, White & Sinclair, sec. 8, T. 23, R. 8, 34 barrels per day.

SEPTEMBER 8, 1913.

HON. JOE T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,
 United States Senate.

MY DEAR SENATOR: I have received your letter of the 4th instant, inclosing a letter from Mr. W. C. Plumb, representing the Uncle Sam Oil Co., relative to the disapproved oil and gas mining leases of that company, covering Osage lands.

I note Mr. Plumb's reference to the leasing of lands for oil and gas mining purposes recently authorized by the department, his protest on behalf of his company, and the request that the joint committee investigate this contemplated leasing on the ground that it is an injustice to the Uncle Sam Oil Co.

Before answering his assigned reasons, and in view of your request for information and suggestions, I deem it advisable to set forth in some detail pertinent facts as they are disclosed by the records in this office.

By section 3 of the act of Congress approved February 18, 1891 (26 Stat. L., 794), as amended by the act of August 15, 1894 (28 Stat. L., 305), Congress authorized leasing of Indian lands for oil and gas mining purposes, and accordingly, in 1896, the entire Osage Reservation was leased to Edwin B. Foster for 10 years at a one-tenth royalty on oil and \$50 per well on gas.

That lease was taken over by the Indian Territory Illuminating Oil Co. By act of March 3, 1905 (33 Stat. L., 1051), Congress renewed the lease in the name of that company for 680,000 acres for another period of 10 years, increasing, however, the royalty on oil to 12 $\frac{1}{2}$ per cent, and gas at \$100 per well.

Section 3 of the act of June 28, 1906 (34 Stat. L., 539), provided:

"That the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is herein made are hereby reserved to the Osage Tribe for a period of twenty-five years from and after the eighth day of April, nineteen hundred and six; and leases for all oil, gas, and other minerals, covered by selections and division of land herein provided for, may be made by the Osage Tribe of Indians through its tribal council and with the approval of the Secretary of the Interior and under such rules and regulations as he may prescribe: *Provided*, That the royalties to be paid to the Osage Tribe under any mineral lease so made shall be determined by the President of the United States: *And provided further*, That no mining of or prospecting for any of

said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease or contract."

Four proposed leases in favor of the Uncle Sam Oil Co., Wesley M. Dial, Henry J. O'Connell, and John L. Bird, covering the entire unleased portion of the Osage mineral lands, were, after a hearing before the department on February 20, 1912, returned disapproved, for two main reasons:

First, lack of opportunity for competitive bidding; and

Second, the inclusion of the so-called "written-consent" clause therein.

These leases, in somewhat amended form, were again and finally disapproved by First Assistant Secretary Adams on June 14, 1912. Copy of his letter, addressed to Principal Chief Brown, which sets out fully the basis for departmental action, is herewith.

You will observe that these leases were presented prior to the promulgation of regulations authorized by section 3 of the act of June 28, 1906, *supra*. Such regulations were approved by the department on July 3, 1912, covered the objections raised regarding the then proposed leases and the Foster lease as well. These regulations were subsequently amended on January 9, 1913, and August 25, 1913. Copies of the regulations and amendments are inclosed.

Section 9 of the act of June 28, 1906, *supra*, provides:

"That there shall be a biennial election of officers for the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council to succeed the officers elected in the year nineteen hundred and six, said officers to be elected at a general election to be held in the town of Pawhuska, Oklahoma Territory, on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, nineteen hundred and eight, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the first day of July following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined."

The terms of the members of the council elected in 1910 expired July 1, 1912. An election for a new council was held on June 3, 1912, and on June 17, 1912, the election of Bacon Rind as principal chief, Henry Red Eagle, assistant principal chief, and Thomas West, councilman, was disapproved for cause and their places vacated by the Secretary of the Interior, and Chief Brown was requested to call another meeting to elect their successors prior to July 1. This, however, he failed to do.

These persons protested against their removal, and on July 17, 1913, the Secretary affirmed his previous action, and directed the remaining members of the council to provide a method for filling the vacancies caused by removal, and specifically directed attention to the fact that important business, including the leasing of lands, would have to be considered. This request was not complied with.

On January 3, 1913, Secretary Fisher removed the other members of the council, on the ground that each member thereof had proven recreant to duty owed to the tribe. I have attached a copy of the order of removal. The action of the Secretary in removing these men has since been sustained by the Courts of the District of Columbia.

The actions of the council and the conditions of granting these leases were such that the department ordered a special investigation of the entire matter. The special agent's report was of such a character that the department transmitted it to the Department of Justice with the request that such action be taken as might be considered appropriate.

The following persons, including members of the tribe and parties interested in the procurement of the four leases, have since been indicted in the District Court for the Western District of Oklahoma, for conspiracy in connection with these leasing matters, including W. C. Plumb, to whose letter addressed to you, this letter is in reply:

H. H. Tucker, A. L. Wilson, T. J. Leahy, William Leahy, Wesley M. Dial, E. F. Scott, John Palmer, A. W. Comstock, Ed Brown, Bacon Rind, William Plumb.

Trial of Mr. Plumb and other representatives of the Uncle Sam Oil Co., under charges of criminal conspiracy, is now pending.

Referring again to the matters of these leases, on August 5, 1912, President Taft sustained the action of the Secretary of the Interior. On December 12, 1912, he affirmed his previous action and wired the Osage National Council as follows:

"I entirely agree with the Secretary of the Interior in refusing to approve oil leases to the Uncle Sam Oil Co., Dial, O'Connell, and Bird submitted last June. These leases were definitely disapproved.

WILLIAM H. TAFT."

On September 17, 1912, the department authorized the advertising for lease of approximately 105,000 acres of these same lands. Bids were received for about 42,000 acres, all on a 16 $\frac{2}{3}$ per cent royalty basis, and a minimum of 60 cents per barrel for oil. In addition thereto bidders offered bonuses of nearly \$142,000.

The council removed, as herein stated, passed resolutions refusing to execute leases in accordance with these bids. This action was taken even though a petition, signed by a majority of the adult male members of the tribe—273 out of 481—was presented to the council. The council elected in January, 1913, accepted these bids, leases were executed by them, and the same have been approved by the department.

The matter of further leasing these lands has been under consideration continuously since. Information recently received shows that one lessee drilled three oil wells with a total natural flow of 1,400 barrels daily, and another lessee two wells, with a flow of 925 barrels, immediately adjacent to portions of the 12,000 acres of land which I have just caused to be advertised, thus rapidly draining and reducing in value the lands now advertised and making action in order to prevent great loss to the Indian imperative. The 12,000 acres advertised are within a radius of 4 miles of the production just referred to, and it is therefore believed that the bids which will be received will contain offers of substantial bonuses and that the leasing of the 12,000 acres advertised at this time will result in popularizing future offerings on this reservation.

A copy of the order directing the advertising of these lands for lease is inclosed. You will observe that the small producer is given a chance by offering tracts of from 10 to 160 acres in area.

Mr. Plumb's letter is based on an erroneous promise. He says, "Congress, by law, gave these Indians absolute and exclusive right to make leases for oil and gas upon their lands."

A reference to section 3 of the act of June 28, 1906, supra, will convince you, without further comment on my part, that leases to be effective require the approval of the Secretary of the Interior, and that the Osage lands can not be leased without his consent.

The specific reasons for his request set forth by Mr. Plumb will now be considered in order:

"1. Because the said leases made by the Osage Indians are wholly legal, lawful, and entirely in the interest of the Osage Tribe, and their approval by the Interior Department is urgently desired by a very large majority of the members of the tribe."

The decision of the department of June 14, 1912, hereinbefore referred to, is conclusive, and for reasons therein shown the leases were definitely disapproved, are not pending before this department, and are entirely disposed of.

"2. Because in the case now pending before the Supreme Court these Indians seek to protect their rights, and a bill is before Congress to validate these leases in accordance with the wishes and interests of the Osage Tribe."

The title of the case referred to as pending before the Supreme Court is not pending. It is presumed that he refers to the case of *Brown v. Fisher*, decided by the Court of Appeals of the District of Columbia on June 2, 1913, and in which a writ of error has since been denied. I am unable to see how the present status of this case could affect the matter.

The bill referred to as pending before Congress is presumably H. R. 5470, introduced May 20, 1913. A similar bill was introduced last Congress (H. R. 27726) and hearings were held before a subcommittee of the Committee on Indian Affairs, which bill was never reported and died in the hands of the committee.

"3. Because Senate resolution No. 485, Sixty-second Congress, considered and agreed to February 28, 1913, directed the Secretary of the Interior to transmit

to the Senate the correspondence and protests relating to leasing Osage gas and oil lands before concluding any more leases.

"4. Because the then Secretary of the Interior, disregarding this resolution, leased lands to the Gypsy Oil Co., a subsidiary of the Standard, before he went out of office, which lands were under lease by the Indians to the Uncle Sam Oil Co."

The resolution referred to reads:

"Resolved, That the Secretary of the Interior be directed to transmit to the Senate the correspondence and protests relating to the proposed leasing of oil and gas lands of the Osage Nation, together with the proposed rules and regulations, before concluding the disposition of such lands by lease."

The records of the department show that the papers requested on February 28, 1913, were transmitted to the Senate on March 2, 1913, and returned on a resolution of the Senate dated April 15, 1913. It is not true that the Secretary executed a lease of the lands referred to to the Gypsy Oil Co., as stated by Mr. Plumb; on the contrary, the leases executed by the Osage Council to the Gypsy Oil Co. were disapproved and the bids revoked by the Secretary of the Interior.

"7. And finally, because the present Secretary of the Interior on May 17, 1913, promised me that the Uncle Sam Oil Co. should have a full and fair hearing of its leases before anything more was done in regard to leasing Osage oil lands, which promise is not kept; and because the private secretary of Secretary Lane promised in April, 1913, that the chief counsel for the Uncle Sam Oil Co. should be notified in a "week or 10 days" of a time when he might have a hearing with Secretary Lane upon the matter of the Uncle Sam Oil Co. and Wesley M. Dial leases. The general council journeyed from Kansas City to Washington in May, not having heard anything, and remained here some time without any chance for a hearing, but finding in meantime the Oil Trust could have a two-day hearing before Mr. Lane over renewal of the Oil Trust-Foster lease two years hence."

The records of the office show no such promise, and you may be sure that no such promise was made.

In this connection your attention is invited to the fact that Secretary Lane expressly approved my action in offering the 12,000 acres in question for lease.

If there is any further information that we can give you, we will be glad to do so.

Mr. Plumb's letter is returned in accordance with your request.

Very truly, yours,

CATO SELLS, *Commissioner*.

WASHINGTON, D. C., September 3, 1913.

Hon. J. T. ROBINSON,

Senator.

MY DEAR SIR: I see by the public prints that Hon. Cato Sells, Commissioner of Indian Affairs, is advertising for bids for leases for gas and oil rights upon certain lands of the Osage Indians for Osage County, Okla.

As these lands are the property of the Osage Indians and not in any sense a public domain; and as Congress by law gave these Indians absolute and exclusive right to make leases for oil and gas upon their lands; and as the lawfully constituted chief and Tribal Council of the Osage Tribe after months of discussion by the tribal council, and by a specially appointed gas and oil committee composed of members of the tribe, did perfect a lease of these lands and executed it, whereby the Uncle Sam Oil Co. and Wesley M. Dial for valuable consideration obtained leases of these lands from said Osage Tribal Council, I wish to protest to you and to your honorable joint committee of Congress appointed by Congress to investigate Osage Indian affairs against the act of the Commissioner of Indian Affairs, as of great injustice and wrong to the Uncle Sam Oil Co. and Wesley M. Dial, and solely in the interest of the Oil Trust, entailing possibly costly litigation upon the Uncle Sam Oil Co.

Because the said leases made by the Osage Indians are wholly legal, lawful, and entirely in the interest of the Osage Tribe, and their approval by the Interior Department is urgently desired by a very large majority of the members of the tribe,

Because the efforts of the former Secretary of the Interior Fisher, former Assistant Secretary of the Interior Adams, and Acting Assistant Commissioner of Indian Affairs Abbott to prevent Government approval of the Uncle Sam

Oil Co. and the Wesley M. Dial leases was the result of a conspiracy of said Government officials with the Oil Trust.

Because attempts to bulldoze, bribe, browbeat, threaten with arrest, and withhold from members of the tribe their quarterly allowance of money, by Government officials was lawless, and monstrous perversion of power exercised to prevent the Osage Indians from making leases of their lands which the act of Congress authorized them to do.

Because in a case now pending before the Supreme Court these Indians seek to protect their rights, and a bill is before Congress to validate these leases in accordance with the wishes and interests of the Osage Tribe.

Because Senate resolution No. 485, Sixty-second Congress, considered and agreed to February 28, 1913, directed the Secretary of the Interior to transmit to the Senate the correspondence and protests relating to leasing Osage gas and oil lands before concluding any more leases.

Because the then Secretary of the Interior disregarding this resolution leased lands to the Gypsy Oil Co., a subsidiary of the Standard, before he went out of office, which lands were under lease by the Indians to the Uncle Sam Oil Co.

And finally, because the present Secretary of the Interior on May 17, 1913, promised me that the Uncle Sam Oil Co. should have a full and fair hearing on its leases before anything more was done in regard to leasing Osage oil lands, which promise is not kept; and because the private secretary of Secretary Lane promised in April, 1913, that the chief counsel for the Uncle Sam Oil Co. should be notified in "a week or 10 days" of a time when he might have a hearing with Secretary Lane upon the matter of the Uncle Sam Oil Co. and Wesley M. Dial leases. The general council journeyed from Kansas City to Washington in May, not having heard anything, and remained here some time without any chance for a hearing, but finding in meantime the Oil Trust could have a two-day hearing before Mr. Lane over renewal of the Oil Trust-Foster lease two years hence.

Under these circumstances and for other reasons which will appear at the hearing before your committee, I on the part of the Uncle Sam Oil Co., and as one of the 12,000 stockholders, and as their Washington representative, protest against the course of the Interior Department and the proposed action of the Indian Commissioner.

Very truly, yours,

W. C. PLUMB.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 26, 1913.

The SECRETARY OF THE INTERIOR.

SIR: The question of leasing additional lands on the Osage Reservation for oil and gas mining purposes has been under consideration in the department and the office for the past three or four months, but action thereon has been withheld pending the prescribing of proposed amendments to the regulations of July 3, 1912, as amended January 9, 1913. Several conferences on the matter were had with representatives of the Bureau of Mines, but no definite conclusion has been reached.

Recent developments in sec. 31, T. 22 N., R. 8 E., and sec. 1, T. 21 N., R. 7 E., have resulted in the bringing in of several wells of good capacity. It is believed that if some of these lands were now offered for lease large bonuses would be received.

On July 15, 1913, the superintendent of the Osage Agency submitted a revised statement of lands which he thought should be offered, but upon careful consideration of the entire matter I have concluded that we should not offer the entire acreage suggested by him at this time, and also that the lands should not be leased in subdivision of the size indicated in his revised list and the map which accompanied it.

I believe that the lands quite close to recent development should be offered in tracts of 40 acres or less, so as to give the small producer an opportunity to compete in the bidding. I have accordingly prepared a map and list of the unleased lands in T. 21 N., Rs. 7 and 8 E., and in sec. 25, 26, 27, 33, 34, 35, and 36 of T. 22 N., R. 7 E., and sec. 27 to 34, inclusive, T. 22 N., R. 8 E., subdivided into small tracts of from about 10 to 160 acres each. The lands which are described in the list prepared by the office include 11,809.53 acres.

It is believed that the question of leasing the other lands may well be held open until the return of the Director of the Bureau of Mines, who desires to consider some phases of the matter and to offer some suggestions as to proposed amendments to regulations.

I therefore respectfully recommend that authority be granted for the superintendent of the Osage Indian School to place advertisements to run for four weeks in the following-named papers, the advertisement to be inserted every other day in the daily and every issue in the weekly and semiweekly papers, viz:

Osage Journal, Pawhuska, Okla.
 Pawhuska Capital, Pawhuska, Okla.
 Times-Democrat, Muskogee, Okla.
 Muskogee Phoenix, Muskogee, Okla.
 Oil and Gas Journal, Tulsa, Okla.
 Tulsa Democrat, Tulsa, Okla.
 Tulsa World, Tulsa, Okla.
 Oil City Derrick, Oil City, Pa.

It is also recommended that the superintendent be authorized to have printed a form of call for bids to be posted at such places as he may deem advisable and to be furnished to inquirers.

Respectfully,

Approved.

CATO SELLS, *Commissioner.*

A. A. JONES,
First Assistant Secretary.

DEPARTMENT OF THE INTERIOR,
 Washington, June 14, 1912.

MR. A. H. BROWN,
Principal Chief Osage Nation, Pawhuska, Okla.

SIR: The four proposed leases in favor of the Uncle Sam Oil Co., Wesley M. Dial, Henry J. O'Connell, and John L. Bird, covering the entire unleased portion of the Osage mineral lands, submitted to the department by you, in accordance with resolution No. 9 of the Osage Tribal Council, are returned herewith disapproved.

At a hearing before me on February 20, 1912, at which you and a representative delegation of the Osage Nation were present, four similar proposed leases in favor of the same parties were returned to you, after a full discussion; and the two main reasons given you at that time for the rejection of the leases were: First, lack of opportunity for competitive bidding; and second, the inclusion of the so-called "written-consent" clause in the proposed leases.

While the amended leases as resubmitted by you differ in some particulars from those first submitted, they do not in any way meet the two general objections upon which the first were returned. I can not believe that the Osage National Council desires to dispose of the tribe's immense mineral wealth on any other than the best possible terms. How can you, or how can the department, charged as guardian of the Osage Nation, with the duty of making the regulations for the disposition of this wealth, know that the best possible terms are being offered when only one bidder is heard? How can you or this department reasonably expect to be able to ascertain the best possible terms that may be secured without first throwing wide open the gates to all bidders interested in the purchase of oil and gas, under certain definite and specific terms made known to all by first publishing widely the regulations which are to govern the leasing? How could your council or how could this department escape the charge of favoritism or neglect of duty should you or it fail first to make public the terms upon which the leasing would be made, and make it known that there is to be an open field and no favors, and that the highest and best bidder is to receive the award? I repeat, therefore, that no lease, whatever its provisions may be, will be approved by this department until after regulations are promulgated and an opportunity given for competitive bidding.

With equal emphasis I repeat the decision which was announced by me at the hearing of February 20, that I can not approve any leases containing the written-consent clause. The law makes the Osage Nation the owner of the mineral wealth in Osage County. To make that wealth available to the Osage Nation, the right of ingress and egress to any part of the surface of this land is essential. Any lease provision or regulation which denies this right violates a prop-

erty right vested by law in the Osage Nation. The right of consent as a condition to entry carries with it the power to prohibit entry, and is, therefore, a contravention of a property right vested by law in the Osage Nation, and one which the Osage National Council can not nullify, and the nullification of which the law gives this department no right to approve.

But even if the written-consent clause were not a violation of the law, it should be disapproved as hostile to the individual as well as the tribal interests of the members of the Osage Tribe. The difficulty and the uncertainty in securing the consent of allottees to enter upon their lands for prospecting and drilling, and the temptation to allottees in possession of lands desirable to bidders to secure the highest possible price, would inject a large element of speculation in connection with every application for a lease, which would be discounted by the bidder in a reduction of the price offered the nation as a whole for the oil, and in favor of the individual to whom he would have to pay the speculative price for the right to enter. In the nature of things, the comparatively small number of individuals fortunate enough to hold the lands desirable for prospecting and drilling would be placed in a position to hold up the lessees as a consideration for consent far in excess of the actual damages to the surface, while the larger number of individuals upon whose allotments no operations were conducted would be in position to receive nothing as a consideration for their consent, and would sacrifice a percentage of their share of the tribal product to which they were justly entitled, to enrich the few individuals holding a club in the form of written consent. In actual operation under the written-consent clause, therefore, the leasing of Osage lands would result in gross discrimination against the many and in favor of the few, and would be detrimental to the interests of the tribe as a whole. The allottees and other owners of the surface in Osage County are entitled to full and just compensation for actual damages, direct or indirect, suffered as a result of any lease made by and on behalf of the Osage Nation; no more and no less. Anything more would be a trespass upon tribal rights, anything less a trespass upon individual rights secured by law. It is the duty of the Osage National Council, in connection with the leasing of tribal mineral property, to execute no lease that does not fully guarantee such full and just compensation to the individual surface owner, and it would misrepresent and wrong the Osage Tribe if it executed a lease enabling such surface owner to secure more than full and just compensation for damages.

I have elaborated these general arguments against the plan of leasing, approved by your council, with the hope that you and the members of your council may be convinced that my action is clearly in the interest of the Osage Nation and that, after full and conscientious consideration of the reasons which I have given, it may be possible for you and the department to come together upon a plan of leasing, as we are already together on the question of the desirability of making some kind of leases. While I have pointed out on two general grounds objections to the approval of the four leases submitted, there are other strong objections to the provisions of these leases, which would make them undesirable even if the general objections, which I have already pointed out, did not exist and which, I am sure, you will see upon a careful consideration of the leases submitted.

I will take the time here to point out briefly a few of the more important of these objections:

1. The Interstate Commerce Commission has held that the Uncle Sam Oil Co. is a common carrier, and it has been ordered to file with it by September 1 its schedule of rates and charges. This department has decided to approve no leases in the midcontinent oil field with pipe-line companies, which are common carriers. This decision, of itself, would eliminate from consideration the application of the Uncle Sam Oil Co.

2. The Uncle Sam Oil Co. offers a bonus of 1 per acre. The other three applicants offer no bonus. A glance at the map submitted with these bids will show that, if these lands were offered in open competition, the average oil man would give no more for the territory covered by the application of the Uncle Sam Oil Co. than the lands covered by the other three applications. If 200,000 acres of Osage territory is worth a bonus of \$1 per acre, why should not the council, at least, try to secure an equal bonus for the remaining 600,000 acres? In other words, even if the application of the Uncle Sam Oil Co. should be approved, would not the Osage Council and the department be properly subject to criticism for not making some attempt to secure a similar bonus on the remaining lands?

3. The written-consent clause in the leases submitted would apply only to cases where the surface was owned by allottees or his or her heirs and to land sold by order of the court in distribution of an estate. The protection of the written-consent clause is denied to lands purchased from allottees. This omission would work to the detriment of every single member of the Osage Tribe who might sell his land. It would have the effect of depreciating the market value of lands in Osage County and thus indirectly reduce the value of the wealth of the Osage Nation. It would have the same effect as if there were failure in the regulations to provide for full and just compensation for surface damages to every surface owner.

4. The four leases submitted, while giving the proposed lessee the right of way over every foot of land in Osage County, fail to make any provision whatever for damages, except in case of damages growing out of prospecting and drilling, and the provision made for damages in such cases would be ineffective, for the leases have absolutely no provision of any method for determining such damages and provide no penalty for failure on the part of the lessee to pay such damages.

5. These leases provide for a royalty of one-eighth, or 12½ per cent. The subleases, under the Foster lease, are now earning a royalty of one-sixth, or 16⅔ per cent. I can see no reason why the unleased portion of Osage County should not also earn a royalty of one-sixth, or 16⅔ per cent. The loss to the Osage Nation by accepting a smaller royalty offered in event of the discovery of oil in considerable quantities, you can see, would run up into many thousands of dollars of loss to the Osage Nation.

The department is now preparing regulations, which will be ready for promulgation in a short time, which it is believed cover all the objections discussed herein and which, it is also believed, will safeguard the Osage Nation against any injustice which it feels that it may be suffering under the present Foster leases.

Respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

[Copy for information of ——.]

JANUARY 3, 1913.

In section 9 of the act of Congress approved June 28, 1906, providing for the creation of the Omaha Tribal Council, it is provided that "the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined."

By virtue of the authority thus vested in me I have determined that good cause exists for the removal of each and every member of said council, and Harry Kohpay, Me-ke-wah-ti-an-kah, A. H. Brown, Peh-tsa-moie, E-stah-o-gre-she, W. S. Mathews, and Oscar A. Ririe are each hereby removed from membership in the Osage Tribal Council.

It is not necessary that I should assign the reasons for this action; but in order that these reasons may be known by all of the members of the Osage Tribe and by all others interested, I state as the reason for my action that the Osage Tribal Council as constituted prior to this order has shown by the things it has done and the things it has failed to do that it has been controlled by influences hostile to the best interests of the tribe, and the said council and each member thereof has proven recreant to the duty owed to the tribe by the said council and its members. It has permitted outsiders (some of whom have financial interests in the matters involved) to influence its policies and its actions contrary to the interests of the tribe and in matters of the greatest importance to the tribe. It has refused to follow the express wishes of the majority of the adult male members of the tribe that the bids made on the 11th day of November, 1912, for leases on the oil and gas deposits belonging to the tribe be accepted and that leases be executed thereon. It has persisted in attempting to have these deposits leased on terms and in a manner definitely disapproved by the Secretary of the Interior, whose action in the matter has been sustained by the President of the United States after a hearing given to parties interested in securing such leases. It has failed to take any step to fill the vacancy in the office of principal chief caused by the removal of Bacon Rind, or the vacancy in the office of assistant chief caused by the removal of Henry Redeagle, or the vacancy in the membership of the tribal council caused

by the removal of Thomas West. It has even failed to provide any method of filling vacancies in the tribal council, and this failure compels me to take the necessary steps for this purpose.

WALTER L. FISHER, *Secretary.*

FEBRUARY 17, 1914.

MY DEAR SENATOR: In further response to your communication dated December 17, 1913, requesting information regarding the leasing of Osage lands for oil and gas mining purposes, I take pleasure in submitting the following report, in which the items are numbered in accordance with the paragraphs of your letter:

1. The Osage lands which have been leased for oil and gas mining purposes should be grouped in two classes—those covered by the so-called Foster lease and those covered by leases approved under regulations promulgated by the department on July 3, 1912.

On March 16, 1896, James Bigheart, principal chief of the Osage Tribe, pursuant to the authority of the council, executed a lease for the production of petroleum and natural gas to Edwin B. Foster, covering the entire Osage Reservation of about 1,500,000 acres. This lease, a copy of which accompanies this report, was made under section 3 of the act of February 28, 1891 (26 Stat. L., 794), as amended by the act of August 15, 1894 (28 Stat. L., 305). The lease was drawn for a term of 10 years, and provided for royalties of one-tenth per cent of all crude petroleum produced, based on the market value of the product at the place of production, and \$50 per annum for each gas well utilized. On April 8, 1896, the department gave its approval to the transaction. On May 8, 1896, Edwin B. Foster assigned all his interest in the lease to the Phoenix Oil Co. On December 13, 1899, the Phoenix Oil Co. transferred to Samuel C. Sheffield a part of lease covering 60 square miles. On June 13, 1900, Samuel C. Sheffield assigned all his interest to the Osago Oil Co.

On January 3, 1902, the Phoenix Oil Co. assigned to the Indian Territory Illuminating Oil Co. the remainder of its interest in the lease. On April 23, 1902, the Osage Oil Co. assigned all its interest in the lease to the Indian Territory Illuminating Oil Co. Under these various assignments, which all received the approval of the department on January 7, 1903, the entire interest in the lease passed into the hands of the Indian Territory Illuminating Oil Co., which company subsequently made a number of subleases covering specified areas.

In the act of March 3, 1905 (33 Stat., 1061), it was provided that—

“Said lease and all subleases thereof duly executed on or before December thirty-first, nineteen hundred and four, or executed after that date based upon contracts made prior thereto, and which have been or shall be approved by the Secretary of the Interior, to the extent of six hundred and eighty thousand acres in the aggregate, are hereby extended for a period of ten years from the sixteenth day of March, nineteen hundred and six, with all the conditions of said original lease except that from and after the sixteenth day of March, nineteen hundred and six, the royalty to be paid on gas shall be \$100 per annum on each gas well, instead of \$50 as now provided in said lease, and except that the President of the United States shall determine the amount of royalty to be paid for oil.”

The President fixed the royalty of oil at one-eighth, or 12½ per cent, of the production. The leasehold interest in the 680,000 acres, on which the lease was renewed by the act cited, has by various subleases and assignments passed into the hands of a large number of persons, firms, and corporations as shown by the accompanying table, “List A.” As a rule the subleases provide that the Indian Territory Illuminating Oil Co. shall be paid by the sublessee 16⅔ per cent of all oil produced, and that company also has the privilege of taking over all gas wells. All interests of the Foster lease as extended will terminate on March 16, 1916, and there is now under consideration in the office an application for renewal.

Section 3 of the act of Congress approved June 28, 1906 (34 Stat. L., 539, 543), which act provided for the division of the lands and funds of the Osage Tribe, reserved to the tribe for the period of 25 years from April 8, 1906, the oil, gas, coal, and other minerals covered by the lands, and further provided that:

“Leases for all oil, gas, and other minerals, covered by selections and division of land herein provided for, may be made by the Osage Tribe of Indians

through its tribal council, and with the approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe: *Provided*, That the royalties to be paid to the Osage Tribe under any mineral lease so made shall be determined by the President of the United States."

On July 3, 1912, the department prescribed regulations to govern the leasing of that part of the reservation not covered by the Foster lease as extended. A copy of the regulations and copies of amendments thereto of January 9 and August 25, 1913, are inclosed.

There is also inclosed "List B" of leases and assignments which have been approved under the regulations last referred to. The lease form (Form B) used under the regulations of July 3, 1912, is printed in the back of the pamphlet. Under these regulations all leases are drawn for a term of 10 years from date of approval by the department, and as long thereafter as oil and gas is found in paying quantities, with the provision, however, that the lease shall not extend beyond April 8, 1931. The royalty paid on both oil and gas is 16 $\frac{2}{3}$ per cent of the market value at the well, which royalty was fixed by the President, in accordance with the act of June 28, 1906, *supra*. The regulations and lease form also contain provisions for the ascertainment and settlement of damages to the owners of the surface. The regulations of July 3, 1912, provide that the land shall be offered for lease under sealed bids. Competition is based on the amount of bonus offered for any particular subdivision. List B shows the bonuses paid for the lands which have so far been leased.

The lists referred to above were prepared as of January 1, 1914.

2. From "List B" it will be observed that the Prairie Oil & Gas Co. is interested in 18,167.2 acres of Osage oil and gas lands, exclusive of the area within the Foster lease as renewed by the act of March 3, 1905, *supra*. Of this acreage the company holds under assignment one-half interest in 17,207 acres, and full interest by original lease in 960.2 acres. As will be seen from the answer under No. 1, the original Foster lease covered the entire Osage Reservation.

3. "List A" shows that the Prairie Oil & Gas Co. has leasehold interests in lands covered by the Foster lease as extended in 32,800 acres. It is interested with other sublessees in 5,280 acres of the area named, and holds a full interest in 27,520 acres except the gas interest retained by the Indian Territory Illuminating Oil Co. under the terms of the subleases and assignments.

4. Following is a statement of assignments of Osage oil and gas interests approved to the Prairie Oil & Gas Co. in the 18 months preceding January 1, 1914:

Assignor.	Date assignment.	Acreage involved.	Date approval assignment.
UNDER FOSTER LEASE.			
John W. Dyson.....	Feb. 10, 1911	320 acres.....	Dec. 27, 1912
American Oil & Gas Co.....	Oct. 22, 1910	4,640 acres.....	Dec. 30, 1912
S. C. Crandall.....	Oct. 10, 1910	1,280 acres.....	Dec. 27, 1912
A. T. Fancher.....	Nov. 2, 1910	4,080 acres.....	Dec. 30, 1912
Iroquois Oil & Gas Co.....	Oct. 22, 1910	Three-fourths interest in 3,360 acres.	Do.
National Oil & Gas Co.....	.....do.....	11,520 acres.....	Jan. 2, 1913
Northwestern Oil Co.....	Mar. 10, 1913	640 acres.....	Apr. 5, 1913
Seneca Oil Co.....	Oct. 22, 1910	2,240 acres.....	Jan. 2, 1913
Western Oil & Gas Co.....	Dec. 20, 1910	640 acres.....	Do.
	Oct. 24, 1910	Undivided one-half interest in 960 acres.	Do.
A. T. Fancher.....	Nov. 2, 1910	.....do.....	Dec. 30, 1912
Total interest in 25,360 acres, undivided seven-twelfths interest in 5,280 acres.....		30,640 acres.	
EXCLUSIVE OF FOSTER LEASE.			
Continental Oil & Refining Co.....	May 24, 1913	One-half interest in 11,505 acres.....	June 10, 1913
Keystone Oil & Gas Co.....	May 26, 1913	One-half interest in 5,062 acres.....	Do.
John W. Gilliland.....	May 31, 1913	One-half interest in 640 acres.....	Aug. 6, 1913
Undivided one-half interest in.....		17,207 acres.	

5. Having no official information regarding the mortgage held by the Standard Oil Co. on the Barnsdall holdings, I requested the superintendent in charge of the Osage Agency to ascertain what he could do about the matter and submit a report.

The superintendent's report of February 2, 1914, and the papers which accompanied it have already been forwarded to you in compliance with your informal request of February 7. These papers show that T. N. Barnsdall has mortgaged his interests in Osage oil and gas lands to the Standard Oil Co. through W. J. Young, and that the amount of the mortgage at this time is \$6,886,373.63, and that the terms of the agreement are such as to place the entire management and control of the Barnsdall Oil Co. into the hands of W. J. Young, who is acting for the Standard Oil Co. of New Jersey.

6. The superintendent's report referred to above shows that the Carter Oil Co. is largely owned by the Standard Oil Co. of New Jersey. The Carter Oil Co. has a lease of 160 acres on Osage lands as shown by "List B." The superintendent also called attention to the fact that while it is the general consensus of opinion that the Prairie Oil & Gas Co. is subsidiary to the Standard Oil Co. he has no direct evidence at hand to disclose just what the relations between the companies are. There is no doubt that the two companies have some common stockholders.

With respect to the Carter Oil Co. the records of this office show that about 99 per cent of the capital stock of the company is owned by the Standard Oil Co. of New Jersey. The Carter Oil Co. made application to the department for the approval of an assignment covering a lease of restricted lands in the Five Civilized Tribes, which application was disapproved by the department for the reason that some of the stockholders in the Standard Oil Co. of New Jersey were also stockholders in the Prairie Oil & Gas Co. of Kansas, and the latter company had at that time the maximum acreage of restricted lands in the Five Civilized Tribes which under the regulations could be held under lease by any one person, firm, or corporation.

The president of the company made emphatic oral representations to the office that although the Standard Oil Co. controlled the Carter Oil Co. in the matter of stock ownership it did not in any manner interfere with or attempt to influence the policies and business dealings of the Carter Oil Co.; the boards of directors of the two companies being composed of different sets of men.

7. The Foster lease provided that prospecting should be begun within six months after the approval of the instrument by the Secretary of the Interior. The lease did not set forth the extent of operations to be conducted.

The leases approved under the regulations of July 3, 1912 (see Form B in pamphlet inclosed), require that the lessee shall commence to drill at least one well on every leased designated subdivision within 90 days and complete such well or wells within one year from the date of approval of the lease by the Secretary of the Interior, or pay as liquidated damages the sum of \$2,000 for each and every test well not completed within the year. Under the regulations, a designated subdivision may be 5,120 acres or less. "List B" shows the number of designated subdivisions held by each lessee under the regulations of July 3, 1912.

8. As shown by "List A," large areas of lands under the Foster lease are under one control, the largest being that controlled by the Barnsdall Oil Co. and allied interests of approximately 325,000 acres. There was nothing contained in the Foster lease, as originally made and as extended, to limit the acreage which might be held by any sublessee. In the regulations of July 3, 1912, the maximum acreage which may be held under lease by anyone person, firm, or corporation is fixed at 25,000 acres. The so-called Foster lease will expire on March 16, 1916, and in considering the applications for renewal of the various interests under that lease and the many questions involved, that of the acreage held by the various interests, and whether such acreage shall be limited, will be given careful thought. I may say, however, that the policy of the department is opposed to permitting any one person, firm, or corporation to control sufficient acreage to amount to a monopoly. This is clearly shown by the regulations governing leasing of restricted lands in the Five Civilized Tribes, which limits the amount which may be held by any person, firm, or corporation to 4,800 acres, and in the regulations of July 3, 1912, governing the leasing of the Osage lands, which, as stated above, places the maximum at 25,000 acres.

We keep a record of the acreage held by each lessee and will not approve any additional lease when the lessee has reached the maximum, and, in fact, we have gone so far as not to approve a lease to an individual if he was a member of a firm or a stockholder in a corporation which holds the maximum acreage, no matter how small his interest, and, on the other hand, we will not approve a lease to a firm or corporation of which any individual member holds the

maximum acreage under lease. We can not, however, control stock transfers and combinations after the lessees have leased the limit of restricted lands. We can only refuse to approve any additional leases.

I regret the delay in furnishing the information called for in your letter of December 17, but this has been due to the necessity of obtaining a report from the field.

Very truly, yours,

CATO SELLS, *Commissioner.*

Hon. JOE T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,

United States Senate.

LIST A.—*Sublessees and assignees of Osage lands under the so-called Foster lease, with date of approval by Department of the Interior of instrument under which leasehold interest is held, and acreage involved.*

[The list is arranged alphabetically, and where more than one person, firm, or corporation is involved in any particular acreage, the item is listed under the name of each person, firm, or corporation interested.]

Sublessee or assignee.	Date of approval.	Acreage.
Aiken, F. M.	Feb. 5, 1906, and July 31, 1911.....	640
Curtis, W. L.		
Boggs Drilling Co.	Feb. 2, 1907.....	640
Aiken, F. M.		
Fancher, A. T.		
Boggs Drilling Co.	Mar. 9, 1903.....	1,100
Almeda Oil Co.	July 28, 1908.....	1,100
		2,200
Amm, James.	Mar. 15, 1907, and Feb. 10, 1908.....	3,200
Craig, G. L.		
Penmar Oil Co.	Mar. 22, 1910.....	960
Anchor Oil Co.	Feb. 25, 1907.....	2,880
Ashland Oil Co.	Apr. 29, 1907.....	1,280
Attee, Mary H.	Oct. 16, 1911, and Feb. 8, 1911.....	1,200
Aurora Oil & Gas Co.		
National Oil & Gas Co.	Feb. 11, 1911.....	400
Ball, C. M.		
Markham, J. H., jr.	Oct. 28, 1913, and May 4, 1908.....	550
Ball & Markham.		
Markham, John H.	Aug. 30, 1907.....	1,920
Barney Oil Co.	Dec. 18, 1905.....	640
Barnsdall, N. B.	June 30, 1904, and Aug. 3, 1907.....	11,200
Barnsdall, T. N.		
Barnsdall Oil Co.	Aug. 3, 1907.....	13,580
		24,780
	Mar. 30, 1907, and May 14, 1909.....	1,280
	Aug. 3, 1907.....	56,613
	Aug. 3, 1907, and May 14, 1909.....	9,600
Do.	May 5, 1908.....	34,560
	Dec. 8, 1908.....	420
	Dec. 29, 1908.....	20,800
	May 14, 1909.....	3,840
		127,113
Barnsdall Oil Co.	June 30, 1904, and Aug. 3, 1907.....	11,200
Barnsdall, T. N.	Aug. 3, 1907.....	13,580
		24,780
Barnsdall Oil Co.	Mar. 30, 1907, and Jan. 25, 1910.....	960
Brennan, J. H.		
Frost, D. E.	Jan. 25, 1910, and June 1, 1910.....	560
Barnsdall Oil Co.		
Frost, D. E.	Jan. 25, 1910, and May 23, 1906.....	640
Barnsdall Oil Co.		
Gill, T. H.	June 1, 1904, and Aug. 3, 1907.....	480
Barnsdall Oil Co.		
Greulich, L. J.	Dec. 18, 1905, and Aug. 3, 1907.....	2,040
Barnsdall Oil Co.		
Imperial Osage Development Co.		
Barnsdall Oil Co.	Jan. 25, 1910.....	14,300
Indian Territory Illuminating Oil Co.	Apr. 28, 1910.....	24,960
		39,260

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Care Barnsdall Oil Co.....	Mar. 30, 1907.....	640
Jouffriou, H. L.....	Barnsdall Oil Co.....	
Barnsdall Oil Co.....	Jouffriou, H. L.....	
Jouffriou, H. L.....	Aug. 3, 1907, and Mar. 30, 1907.....	1,280
Barnsdall Oil Co.....	Aug. 3, 1907, and June 3, 1906.....	640
Leahy, W. T.....	Barnsdall Oil Co.....	
Barnsdall Oil Co.....	Miller, F. E.....	
Miller, F. E.....	Aug. 3, 1907, and Mar. 3, 1907.....	640
Barnsdall Oil Co.....	Moffett, J. S.....	
Moffett, J. S.....	Aug. 3, 1907, and Nov. 18, 1907.....	640
Care Barnsdall Oil Co.....	Mar. 8, 1906.....	640
Morey, M. M.....	Barnsdall Oil Co.....	
Barnsdall Oil Co.....	Mar. 30, 1907, and Aug. 3, 1907.....	3,200
Neenah Oil Co.....		
Barnsdall Oil Co.....	.....do.....	4,720
Osage Development Co.....	Aug. 3, 1907.....	640
		5,360
Barnsdall Oil Co.....	Apr. 5, 1907, and Aug. 3, 1907.....	118,284
Osage Oklahoma Co.....	Barnsdall Oil Co.....	
Barnsdall Oil Co.....	Aug. 3, 1907, and Mar. 15, 1907.....	2,560
Sand Creek Oil Co.....	Barnsdall Oil Co.....	
Barnsdall Oil Co.....	Stilwell, M. F.....	
Stilwell, M. F.....	Aug. 3, 1907, and Dec. 18, 1905.....	1,600
Barnsdall Oil Co.....	Waller, T. M.....	
Waller, T. M.....	Apr. 3, 1907, and Aug. 3, 1907.....	640
Wagner, S. H.....	Barnsdall Oil Co.....	
Barnsdall Oil Co.....	Aug. 3, 1907, and Dec. 18, 1905.....	3,520
Washington Oil Co.....	Barnsdall Oil Co.....	
Barnsdall Oil Co.....	Aug. 3, 1907, and Mar. 30, 1907.....	640
Wilson, W. M.....		
Grand total in which Barnsdall Oil Co. is interested.....		336,117
Bates, Roth-Argue, Maire Bros. Oil Co.....	Nov. 6, 1907, and Oct. 7, 1911.....	640
Buzard, C. A.....	Baxter, A. B.....	
Baxter, A. B.....	Nov. 17, 1908.....	2,200
McGuire, J. E.....	De Gollier, C. F.....	
De Gollier, C. F.....	Bell, John A.....	
Bell, John A.....	Breene, F. M.....	
Breene, F. M.....	System Oil Co.....	
System Oil Co.....	Bell, John A., jr.....	
Bell, John A., jr.....	Getty, Geo. F.....	
Getty, Geo. F.....	Breene, F. M.....	
Breene, F. M.....	System Oil Co.....	
System Oil Co.....	Hell, E. S.....	
Hell, E. S.....	Forty-five Oil Co.....	
Forty-five Oil Co.....	Belmont Oil Co.....	
Belmont Oil Co.....	Sept. 6, 1910.....	9,000
Bloom, C. L.....	Florer, J. N.....	
Florer, J. N.....	Oct. 11, 1907.....	640
McBride, A. P.....	Boggs Drilling Co.....	
Boggs Drilling Co.....	Aiken, F. M.....	
Aiken, F. M.....	Curtis, W. L.....	
Curtis, W. L.....	Feb. 5, 1906, and July 31, 1911.....	640
Boggs Drilling Co.....	Fancher, A. T.....	
Fancher, A. T.....	Feb. 2, 1907.....	640
Aiken, F. M.....	Boston, F. T.....	
Boston, F. T.....	June 26, 1907.....	780
Boston-Osage Oil Co.....	Texas Co.....	
Texas Co.....	Aug. 4, 1904, and June 14, 1913.....	10,160
Braden, G. T.....	Moore, Christ.....	
Moore, Christ.....	Mar. 15, 1907.....	2,591
Braden, G. T.....	Steel, John A.....	
Steel, John A.....	Dec. 13, 1910, and Sept. 4, 1913.....	717
Breene, F. M.....	Bell, John A.....	
Bell, John A.....	Mar. 10, 1911; May 4, 1912; Mar. 31, 1911; Feb. 17, 1912.....	140
System Oil Co.....	Breene, F. M.....	
Breene, F. M.....	Bell, John A., jr.....	
Bell, John A., jr.....	Getty, George F.....	
Getty, George F.....	System Oil Co.....	
System Oil Co.....	Breene, F. M.....	
Breene, F. M.....	May 18, 1911.....	80
Shea, J. J.....	Breene, F. M.....	
Breene, F. M.....	Nov. 18, 1907, and May 18, 1911.....	640
Shea, J. J.....	Moffett, J. S.....	
Moffett, J. S.....		

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Brennan, John H.	May 25, 1907, and Apr. 21, 1913.	640
Foster, H. V.	Apr. 21, 1913.	4,160
		4,800
Brennan, J. H.	} Mar. 30, 1907, and Jan. 25, 1910.	960
Frost, D. E.		
Barnsdall Oil Co.		
Buckeye-Osage Oil Co.		
Bushnell, T. H., receiver for Dennison, Prior & Co.	Apr. 5, 1907.	2,250
	Jan. 17, 1912.	1,280
Buzzard, C. A.	Nov. 6, 1907, Apr. 12, 1910, and Oct. 7, 1911.	640
Roth-Argue, Maire Bros. Oil Co.	Nov. 6, 1907, and Oct. 7, 1911.	1,920
		2,560
Buzzard, C. A.	} Nov. 6, 1907, and Oct. 7, 1911.	640
Roth-Argue, Maire Bros. Oil Co.		
Bates.	} Mar. 15, 1907.	40
Byers, J. C.		
Ratner, S.		
Sutton, S. W.		
Hetherington, J. F.		
Morphis, J. C.		
Carter, E. B.		
Carter, W. N.		
Overlees, F. M.		
Mason, D. B.		
Church, Geo. W.	June 26, 1907, and Sept. 5, 1912.	585
Caton, L.	} do.	585
Carter, W. N.		
Overlees, F. M.		
Mason, D. B.		
Church, Geo. W.		
Caton, L.		
Carter, E. B.		
Carter Bros. Oil Co.		
Caton, L.		
Carter, E. B.		
Carter, W. N.	June 26, 1907, and Sept. 5, 1912.	585
Overlees, F. M.	} Jan. 10, 1908, and Sept. 16, 1913.	960
Mason, D. B.		
Church, Geo. W.		
Chief Bigheart Oil Co.		
Mason, D. B.		
Overlees, F. M.		
Church, George W.		
Caton, L.		
Carter, E. B.		
Carter, W. N.		
Overlees, F. M.	June 26, 1907, and Sept. 5, 1912.	585
Mason, D. B.	} Mar. 3, 1913.	160
Couley, C. A.		
Walker, J. L.		
Producers' Oil Co.		
Craig, G. L.		
Amm, James.		
Penmar Oil Co.		
Crane, H. O.		
Crescent Oil Co.		
Curl, J. J.		
Curtis, W. L.	Feb. 5, 1906, and July 31, 1911.	640
Aiken, F. M.	} May 10, 1907, and Jan. 15, 1913.	4,640
Boggs Drilling Co.		
Davis, W. N.		
Foster, H. V.		
Davis, W. N.		
Foster, H. V.		
Sperata Oil Co.		
De Golier, C. F.		
Baxter, A. B.		
McGuire, J. E.		
Dennison, Prior & Co., T. H. Bushnell, receiver.	Jan. 17, 1912.	1,280
Duffield, Lewis C.	Dec. 5, 1913.	640
Dutton, Edmund.	} Apr. 25, 1913.	160
Dutton, Phillip H.		
Golden, Owen.		
Dutton, Phillip H.		
Golden, Owen.	do.	160
Dutton, Edmund.	} do.	80
Edith Oil Co.		

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Elmer Oil Co.....	} Aug. 30, 1907, and Dec. 30, 1912.....	3,360
Prairie Oil & Gas Co.....		
Emery, John C.....	June 7, 1912.....	640
Eureka-Osage Oil Co.....	Mar. 30, 1907.....	1,280
Fancher, A. T.....	} Feb. 2, 1907.....	640
Aiken, F. M.....		
Boggs Drilling Co.....		
Federal Oil & Gas Co.....	Mar. 17, 1906.....	960
	Nov. 15, 1909.....	2,060
		3,020
Fifty-Nine Osage Oil Co.....	Jan. 23, 1905.....	1,200
Finance Oil Co.....	Jan. 25, 1911.....	960
	Jan. 18, 1912.....	800
		1,760
Finance Oil Co.....	} July 16, 1912, and May 22, 1906.....	1,280
Franchott, N. V. V.....		
Finance Oil Co.....	} Dec. 29, 1908, and Apr. 2, 1912.....	800
Livingstone Oil Co.....		
Finance Oil Co.....	} Mar. 30, 1907, and Jan. 31, 1911.....	640
Wilson, W. M.....		
Florer, J. N.....		
McBride, A. P.....	} Oct. 11, 1907.....	640
Bloom, C. L.....		
Forty-five Oil Co.....	} Apr. 25, 1907.....	1,020
Bell, E. S.....		
Foster, H. V.....	July 25, 1907.....	320
	Jan. 14, 1911.....	1,920
	Jan. 17, 1912.....	640
		2,880
Foster, H. V.....	May 25, 1907, and Apr. 21, 1913.....	640
Brennan, John H.....	Apr. 21, 1913.....	4,160
		4,800
Foster, H. V.....	} May 10, 1907, and Jan. 15, 1913.....	4,640
Davis, W. N.....		
Foster, H. V.....	} May 10, 1907, and Nov. 29, 1911.....	200
Davis, W. N.....		
Sperata Oil Co.....	} Jan. 14, 1911, and Feb. 14, 1911.....	640
Foster, H. V.....		
Gypsy Oil Co.....	} Apr. 27, 1907.....	640
Foster, H. V.....		
Leech, C. F.....	Aug. 8, 1912.....	
Foster, H. V.....	May 10, 1911.....	640
Northwestern Oil Co.....	} June 8, 1912, and Oct. 7, 1911.....	3,120
Foster, H. V.....		
Robb, A. D.....	May 22, 1906.....	1,280
Franchott, N. V. V.....	} May 22, 1906, and July 16, 1912.....	1,280
Do.....		
Finance Oil Co.....	June 1, 1910, and Jan. 25, 1910.....	560
Frost, D. E.....	} Mar. 30, 1907, and Jan. 25, 1910.....	960
Barnsdall Oil Co.....		
Frost, D. E.....	} June 1, 1910, and Dec. 19, 1912.....	1,200
Barnsdall Oil Co.....		
Brennan, J. H.....	Jan. 29, 1913.....	640
Frost, D. E.....	} Mar. 31, 1911, and Feb. 17, 1912.....	60
McGrew, A. B.....		
German American Oil & Gas Co.....	} Apr. 27, 1907.....	320
Getty, George F.....		
Breene, F. M.....	} May 23, 1907, and Jan. 25, 1910.....	640
Bell, John A., jr.....		
System Oil Co.....	May 24, 1906.....	307
Gilbert, P. A., care of D. W. Franchott.....	Mar. 18, 1907.....	640
Gilkey, S. M.....	Apr. 27, 1907.....	320
Care of Gilkey, S. M., Pochequette Oil Co.....	} June 12, 1913.....	2,400
Gill, T. H.....		
Barnsdall Oil Co.....	} Apr. 25, 1913.....	160
Gillespie, F. A.....		
Kennedy, S. G.....	June 26, 1907.....	320
Golden, Owen.....		
Dutton, Edmund.....		
Dutton, Philip H.....		
Great Western Oil Co.....		

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Green Bay Oil Co.....	Apr. 29, 1909.....	640
Do.....	July 25, 1907, and Apr. 29, 1909.....	320
New London Oil Co.....	June 1, 1904.....	960
Greulich, L. J.....	June 1, 1904, and Aug. 3, 1907.....	480
Do.....	Dec. 13, 1913, and Aug. 24, 1912.....	320
Barnsdall Oil Co.....		
Gunsburg, David.....		
Swain, Guy.....		
Gypsy Oil Co.....	Sept. 19, 1910.....	800
Do.....	Jan. 23, 1911.....	80
Do.....	Feb. 15, 1911.....	640
Do.....		1,520
Do.....	Jan. 14, 1911, and Feb. 4, 1911.....	640
Foster, H. V.....		
Hetherington, J. F.....		
Morphis, J. C.....		
Byers, J. C.....	Mar. 15, 1907.....	40
Ratner, S.....		
Sutton, S. W.....	do.....	640
Hodag Oil Co.....		
Hulings, T. C.....	Sept. 13, 1911.....	1,100
Shryock, G. A.....		
Roberts, G. L.....	Dec. 18, 1905.....	8,320
Imperial Osage Development Co.....	Dec. 18, 1905, and Aug. 3, 1907.....	2,040
Do.....		
Barnsdall Oil Co.....		
Do.....	Mar. 3, 1905.....	2,210
Do.....	Feb. 12, 1908.....	22,320
Do.....	Feb. 12, 1908, and Apr. 2, 1912.....	1,200
Do.....	July 16, 1908.....	2,560
Do.....	Aug. 6, 1908.....	2,880
Do.....	July 14, 1910.....	960
Do.....	Feb. 23, 1911.....	640
Do.....	Jan. 17, 1912.....	640
Do.....	June 5, 1912.....	21,660
Do.....	Aug. 19, 1912.....	2,240
Do.....		57,310
Indian Territory Illuminating Oil Co.....		
Indian Territory Illuminating Oil Co., by reason of cancellation of sublease of San Francisco-Osage Oil Co.....	June 25, 1912.....	16,020
Indian Territory Illuminating Oil Co.....		
Barnsdall Oil Co.....	Jan. 25, 1910.....	14,300
Do.....	Apr. 28, 1910.....	24,960
Do.....		39,260
Indian Territory Illuminating Oil Co.....		
Schlact, Black & Rider.....	June 23, 1909.....	1,200
Ingalls, Ralph.....	Jan. 15, 1906.....	2,237
Interstate Oil Co.....	April 15, 1913.....	1,020
Do.....	do.....	
Mason, D. B.....	Oct. 29, 1913.....	80
Overlees, F. M.....		
Jay Bee Oil Co.....	Apr. 23, 1913.....	40
Jennings, E. H. & Bros.....	Mar. 15, 1907.....	3,200
Johnston, O. S.....	June 20, 1907.....	80
Jones, J. B.....	Mar. 18, 1937.....	640
Do.....	Mar. 13, 1907, and Feb. 8, 1911.....	1,200
National Oil & Gas Co.....	Mar. 30, 1907.....	640
Jouffroun, H. L., care of Barnsdall Oil Co.....	Mar. 30, 1907, and Aug. 3, 1907.....	1,280
Jouffroun, H. L.....		
Barnsdall Oil Co.....	Dec. 18, 1905.....	1,100
Keesage Oil Co.....	June 12, 1913.....	2,400
Kennedy, S. G.....		
Gillespie, F. A.....	Mar. 23, 1912.....	550
Kingbell Oil Co.....	Aug. 30, 1907.....	940
Knisely Oil Co.....	Mar. 18, 1907.....	2,060
Lahona Oil & Gas Co.....	Mar. 2, 1911.....	400
Lamberton, Robert.....		
Larkin, F.....	Feb. 29, 1912.....	80
Wichita Drilling & Developing Co.....		
Leahy, W. T.....	June 3, 1906, and Aug. 3, 1907.....	649
Barnsdall Oil Co.....		
Leech, C. F.....	Aug. 8, 1912, and Apr. 27, 1907.....	640
Foster, H. V.....		
Livingston Oil Co.....	Dec. 29, 1908, and Apr. 2, 1912.....	800
Finance Oil Co.....		

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Mallory Bros. & Co.....	Jan. 27, 1905.....	1,280
Manhattan Oil Co.....	{ Nov. 10, 1909.....	960
	{ Sept. 26, 1910.....	6,540
	{ Apr. 29, 1911.....	1,840
		9,340
Markham, John H., jr.....	Mar. 15, 1907.....	550
Do.....	{ Feb. 11, 1911.....	400
Markham, John H., jr.....	{ Oct. 28, 1913, and May 4, 1908.....	550
Markham & Ball.....	{ May 4, 1908, and Oct. 28, 1913.....	550
Do.....		
Markham, John H.....		
Mason, D. B.....		
Church, George W.....		
Caton, L.....		
Carter, E. B.....	{ June 26, 1907, and Sept. 5, 1912.....	585
Carter, W. N.....		
Overlees, F. M.....		
Mason, D. B.....		
Overlees, F. M.....	{ Sept. 16, 1913, and Jan. 10, 1908.....	960
Chief Bigheart Oil Co.....		
Mason, D. B.....		
Overlees, F. M.....	{ Oct. 29, 1913, and Apr. 15, 1913.....	80
Interstate Oil Co.....		
	{ Jan. 21, 1905.....	1,200
	{ Jan. 25, 1906.....	640
	{ Mar. 15, 1907.....	2,940
	{ Mar. 15, 1907, and Oct. 9, 1909.....	1,100
		5,889
Matson Oil Co.....		
McBride, A. P.....	Jan. 17, 1912.....	640
Do.....	{ Oct. 11, 1907.....	640
Florer, J. N.....		
Bloom, C. L.....		
McGrew, A. B.....	{ June 1, 1910, and Dec. 19, 1912.....	1,200
Frost, D. E.....		
McGuire, J. E.....		
Baxter, A. B.....	{ Nov. 17, 1908.....	2,200
De Golier, C. F.....		
McMahon, John C.....	{ Feb. 24, 1906.....	1,920
McMan Oil Co.....	{ Apr. 25, 1913.....	1,200
Noble, Charles F.....		
Mechanics' Savings Bank.....	{ Jan. 4, 1906, and Dec. 16, 1909.....	22,160
Steyner Oil Co.....		
Menhar Producing Co.....	{ Mar. 12, 1912.....	640
Miller, F. E.....	{ Mar. 30, 1907, and Aug. 3, 1907.....	640
Barnsdall Oil Co.....		
	{ June 3, 1904.....	1,100
	{ Mar. 10, 1911.....	345
		1,445
Minnehoma Oil Co.....		
Moffett, J. S.....	{ Nov. 18, 1907.....	3,120
Moffett, J. S.....	{ Nov. 18, 1907, and Aug. 3, 1907.....	649
Barnsdall Oil Co.....		
Moffett, J. S.....		
Breene, F. M.....	{ Nov. 18, 1907, and May 18, 1911.....	640
Shea, J. J.....		
Moore, Clint.....	{ Mar. 15, 1907.....	2,561
Braden, G. T.....		
	{ Mar. 15, 1907, Apr. 29, 1909, and May 1, 1909.....	1,200
	{ Mar. 15, 1907, and Apr. 29, 1909.....	600
		1,800
Morey, M. M., care of Barnsdall Oil Co.....	{ Mar. 8, 1906.....	640
Morphis, J. C.....		
Byers, J. C.....		
Rätner, S.....	{ Mar. 15, 1907.....	40
Sutton, S. W.....		
Hetherington, J. L.....		
National Oil & Gas Co.....	{ Feb. 8, 1911, and Oct. 16, 1911.....	1,200
Aurora Oil & Gas Co.....		
National Oil & Gas Co.....	{ Mar. 18, 1907, and Feb. 8, 1911.....	1,200
Jones, J. B.....		

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Neenah Oil Co.....	Mar. 30, 1907.....	320
Do.....	Mar. 30, 1907, and Aug. 3, 1907.....	3,200
Barnsdall Oil Co.....	Aug. 28, 1907.....	320
Do.....	July 25, 1907, and Apr. 29, 1909.....	320
Green Bay Oil Co.....		
Nicaragua Oil Co.....	Mar. 15, 1907.....	80
	Mar. 30, 1907.....	80
		160
Noble, Charles F.....	Apr. 25, 1913.....	1,200
McMan Oil Co.....		640
Northwestern Oil Co.....	May 10, 1911.....	320
Foster, H. V.....	Mar. 30, 1907.....	4,720
Osage Development Co.....	Mar. 30, 1907, and Aug. 3, 1907.....	640
Do.....	Aug. 3, 1907.....	5,360
Barnsdall Oil Co.....		
Osage Fifty-eight Oil Co.....	Mar. 18, 1907.....	1,200
Osage-Oklahoma Co.....	Apr. 5, 1907, and Aug. 3, 1907.....	118,284
Barnsdall Oil Co.....		
Overlees, F. M.....	Sept. 16, 1913.....	960
Mason, D. B.....	Jan. 10, 1908.....	
Chief Bigheart Oil Co.....		
Overlees, F. M.....		
Mason, D. B.....	June 26, 1907, and Sept. 5, 1912.....	585
Church, Geo. W.....		
Carter, E. B.....		
Carter, W. N.....		
Caton, L.....		
Overlees, F. M.....	Oct. 29, 1913.....	80
Mason, D. B.....	Apr. 15, 1913.....	
Interstate Oil Co.....	Dec. 13, 1910.....	3,083
Page, Charles.....	Aug. 13, 1909.....	240
Panther Oil & Development Co.....		
Pawhuska Oil & Gas Co.....	Mar. 12, 1904.....	1,600
	Jan. 17, 1905.....	1,280
	Dec. 18, 1905.....	320
		3,200
Do.....		
Roth-Argue, Maire Bros. Oil Co.....	Nov. 6, 1907, Nov. 6, 1907, and Apr. 12, 1911.....	640
Peet, Wm., trustee.....	Aug. 14, 1913.....	1,109
Penmar Oil Co.....	Mar. 15, 1907.....	3,040
Do.....		
Amm, James.....	Mar. 15, 1907, and Feb. 10, 1908.....	3,200
Craig, G. L.....		
Penna-Osage Oil Co.....	Mar. 30, 1907.....	160
Do.....	Mar. 30, 1907, and Aug. 20, 1913.....	320
Steel, John A.....	Jan. 25, 1910.....	2,560
Phillips, Frank.....		
Phillips, Waite.....	Mar. 2, 1911.....	120
	Nov. 2, 1911.....	550
		670
Do.....		
Shea, J. J.....	May 28, 1911.....	264
Pochequette Oil Co.....	Apr. 27, 1907.....	320
Pochequette Oil Co., care of S. M. Gilkey.....	do.....	320
Prairie Oil & Gas Co.....	Apr. 25, 1910.....	1,200
	Dec. 27, 1912.....	1,600
	Dec. 30, 1912.....	8,720
	Dec. 30, 1912, and Jan. 2, 1913.....	960
	Jan. 2, 1913.....	14,400
	Apr. 5, 1913.....	640
		27,520
Do.....		
Elmer Oil Co.....	Aug. 30, 1907, and Dec. 30, 1912.....	3,360

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Prairie Oil & Gas Co.....	Feb. 23, 1911.....	1,280
Shulthis, A. W.....	June 15, 1910, and Feb. 23, 1911.....	640
		1,920
Total in which Prairie Oil & Gas Co. has interests.....		32,800
Producers Oil Co.....		
Couley, C. A.....	Mar. 3, 1913.....	160
Walker, J. L.....		
Ratner, S.....		
Sutton, S. W.....		
Hetherington, J. F.....	Mar. 15, 1907.....	40
Morphis, J. C.....		
Byers, J. C.....		
Rhineland Osage Oil Co.....	May 9, 1911.....	1,100
Robb, A. D.....	Oct. 7, 1911, and June 8, 1912.....	3,120
Foster, H. V.....		
Roberts, G. L.....		
Hulings, T. C.....	Sept. 13, 1911.....	1,100
Shryock, G. A.....		
Ronne, J. K.....		
Spaulding, Charles.....	Apr. 25, 1907.....	160
Sivain, Guy.....		
Roth-Argue, Maire Bros. Oil Co.....	Jan. 26, 1905, and Apr. 12, 1911.....	3,120
	(Nov. 6, 1907, and Apr. 12, 1911.....)	2,560
		5,680
Roth-Argue, Maire Bros.....		
Bates.....	Nov. 6, 1907, and Oct. 7, 1911.....	640
Buzzard, C. A.....		
Roth-Argue, Maire Bros. Oil Co.....	Nov. 6, 1907; Apr. 12, 1911; Oct. 7, 1911.....	640
Buzzard, C. A.....	Nov. 6, 1907, and Oct. 7, 1911.....	1,920
		2,560
Roth-Argue, Maire Bros. Oil Co.....	Nov. 6, 1907; Apr. 12, 1911; and Nov. 6, 1907.....	640
Pawhuska Oil & Gas Co.....	Feb. 4, 1907.....	400
Sagamore Oil & Gas Co.....	Feb. 4, 1907, and Feb. 10, 1911.....	1,200
Do.....		
Wolverine Oil Co.....	Mar. 15, 1907, and Aug. 3, 1907.....	2,560
Sand Creek Oil Co.....		
Barnsdall Oil Co.....		
Sand Fork Gas & Petroleum Co.....	Nov. 21, 1903, and Mar. 15, 1907.....	960
Summit Oil Co.....	Oct. 11, 1907.....	11,520
San Francisco-Osage Oil Co.....	June 23, 1909.....	3,200
Schlaet, Black & Rider.....	do.....	1,200
Do.....		
Indian Territory Illuminating Oil Co.....	Apr. 25, 1907.....	160
Severance, Frank.....	May 18, 1911.....	80
Shea, J. J.....		
Breene, F. M.....		
Shea, J. J.....	Nov. 18, 1907, and May 18, 1911.....	640
Breene, F. M.....		
Moffett, J. S.....		
Shea, J. J.....	May 28, 1911.....	264
Phillips, Waite.....		
Shryock, G. A.....		
Roberts, G. L.....	Sept. 13, 1911.....	1,100
Hulings, T. C.....		
Shulthis, A. W.....	Feb. 23, 1911.....	1,280
Prairie Oil & Gas Co.....	June 15, 1910, and Feb. 23, 1911.....	640
		1,920
Silurian Oil Co.....	Mar. 15, 1907, Apr. 29, 1909, and May 1, 1909..	1,200
Moore, Clint.....	Mar. 15, 1907, and Apr. 29, 1909.....	600
		1,800
Skelton-Moore Oil Co.....	Feb. 1, 1906.....	980
Spaulding, Charles.....		
Swain, Guy.....	Apr. 25, 1907.....	160
Ronne, J. K.....		
Sperata Oil Co.....		
Foster, H. V.....	May 10, 1907, and Nov. 29, 1911.....	200
Davis, W. N.....		

LIST A.—Sublessees and assignees of Osage lands under the so-called Foster lease, etc.—Continued.

Sublessee or assignee.	Date of approval.	Acreage.
Spring City Oil Co.....	Aug. 30, 1907.....	800
Standish Oil Co.....	Apr. 23, 1913.....	950
Steel, John A.....	June 17, 1912.....	160
Do.....	} Sept. 4, 1913, and Dec. 13, 1910.....	717
Braden, G. T.....		
Steel, John A.....	} Aug. 20, 1913, and Mar. 20, 2 1907.....	320
Penna-Osage Oil Co.....		
Sterling Gas & Oil Co.....	May 8, 1908.....	640
Stevens Point Oil Co.....	Jan. 21, 1905.....	1,200
Steyner Oil Co.....	} Jan. 4, 1906, and Dec. 16, 1909.....	22,160
Mechanics' Savings Bank.....		
Stich, A. C.....	Dec. 18, 1905.....	1,120
Stilwell, M. F.....	} Dec. 18, 1905, and Aug. 3, 1907.....	1,600
Barnsdall Oil Co.....		
Sutton, S. W.....	} Mar. 15, 1907.....	40
Hetherington, J. F.....		
Morphis, J. C.....		
Byers, J. C.....		
Ratner, S.....		
Summit Oil Co.....	} Mar. 15, 1907, and Nov. 21, 1903.....	960
Sand Fork Gas & Petroleum Co.....		
Swain, Guy.....	} Aug. 24, 1912, and Dec. 13, 1913.....	320
Gunsburg, Dana.....		
Swain, Guy.....	} Apr. 25, 1907.....	160
Ronne, J. K.....		
Spatulding, Charles.....	} Mar. 31, 1911, and Feb. 17, 1912.....	60
System Oil Co.....		
Breene, F. M.....		
Bell, John A., jr.....		
Getty, George F.....		
System Oil Co.....	} Mar. 10, 1911, May 4, 1912, Mar. 31, 1911, and Feb. 17, 1912.....	140
Bell, John A.....		
Breene, F. M.....	} Mar. 15, 1907.....	20
Test Oil Co.....		
Texas Co.....	} June 14, 1913, and Aug. 4, 1904.....	10,160
Boston Osage Oil Co.....		
Tribal Oil Co.....	Dec. 18, 1905.....	1,280
Trio Oil & Gas Co.....	May 24, 1906.....	960
Uncle Sam Oil Co.....	Mar. 15, 1907.....	1,100
	June 2, 1910.....	1,100
	Sept. 22, 1911.....	1,920
		4,120
Union Oil Co.....	Jan. 26, 1905.....	1,100
Wagner, S. H.....	} Apr. 3, 1907, and Aug. 3, 1907.....	640
Waller, T. M.....		
Barnsdall Oil Co.....	} Dec. 18, 1905.....	1,280
Wah-shah-she Oil Co.....		
Walker, J. L.....	} Mar. 3, 1913.....	160
Producers' Oil Co.....		
Conley, C. A.....	} Apr. 3, 1907, and Aug. 3, 1907.....	640
Waller, T. M.....		
Wagner, S. H.....	} Dec. 18, 1905.....	1,600
Barnsdall Oil Co.....		
Washington Oil Co.....	} Dec. 18, 1905, and Aug. 3, 1907.....	3,520
Do.....		
Barnsdall Oil Co.....	} Dec. 18, 1905.....	1,280
Whiting Oil Co.....		
Wichita Drilling & Dev. Co.....	Feb. 29, 1912.....	80
Larkin, F.....	} Dec. 18, 1905.....	960
Wigwam Oil Co.....		
Wilson, W. M.....	} Mar. 30, 1907, and Aug. 3, 1907.....	640
Barnsdall Oil Co.....		
Wilson, W. M.....	} Mar. 30, 1907, and Jan. 31, 1911.....	640
Finance Oil Co.....		
Wolverine Oil Co.....	Nov. 5, 1910.....	1,200
	Nov. 10, 1910.....	960
	Nov. 11, 1910.....	960
	Jan. 14, 1911.....	1,200
	Feb. 28, 1911.....	960
		5,280
Do.....	} Feb. 10, 1911, and Feb. 4, 1907.....	1,200
Sagamore Oil & Gas Co.....		

LIST B.—Leases and assignments approved under the regulations of July 3, 1912.

Lessee or assignee.	Date.	Acreage.	Bonus.	Date of approval.	Designated subdivisions.
Brast, M. A. Assigned to West Virginia Osage Oil Co.; assignment dated May 24, 1913, and approved July 1, 1913.	1913 Feb. 1	320.00	\$3,520.00	1913 Mar. 3	1
Brast, M. A.	Oct. 15	4,505.24	4,505.24	Nov. 22	32
Carter Oil Co.	Oct. 29	160.00	1,600.00	..do....	1
Cosden, J. S.	Oct. 12	118.80	653.40	..do....	1
Clover, J. M.	Oct. 15	80.00	4,000.00	Oct. 30	1
Continental Oil & Refining Co. Assigned undivided one-half interest to Prairie Oil & Gas Co.; assignment dated May 24, 1913, and approved June 10, 1913.	Feb. 1	11,505.00	2,398.50	Mar. 7	11
Gilliland, John W. Assigned one-fourth interest in sec. 11, T. 22, R. 10, and one-half interest in NW $\frac{1}{4}$ of sec. 14, T. 22, R. 10, to John A. Steel, assignment dated July 8, 1913, and approved Aug. 8, 1913.	..do....	960.00	5,280.00	Mar. 3	2
Gilliland, John W. Assigned one-half interest to Prairie Oil & Gas Co., and one-fourth interest to A. W. Shulthis; assignment dated May 31, 1913, and approved Aug. 6, 1913.	..do....	640.00	640.00	..do....	1
Gypsy Oil Co.	Oct. 13	2,298.79	204,381.60	Oct. 29	2
Kanawha Oil Co.	Nov. 3	160.00	960.00	Nov. 22	1
Kennedy, Samuel G.	Feb. 1	4,750.00	5,258.00	Mar. 3	1
Springer, W. A. Assigned undivided one-half interest to P. J. White and H. F. Sinclair; a ssignment dated Apr. 17, 1913, and approved July 8, 1913.	Feb. 1	5,062.00	1,265.50	Mar. 7	1
Keystone Oil & Gas Co. Assigned one-half interest to Prairie Oil & Gas Co.; assignment dated May 26, 1913, and approved June 10, 1913.	Oct. 16	160.00	800.00	Oct. 30	1
Laurel Oil & Gas Co.	Oct. 28	160.00	2,448.00	Nov. 22	1
Leschen, Henry.	Feb. 1	654.00	20,274.00	Mar. 7	1
Roeser, W. H.	Oct. 27	40.00	4,960.00	Nov. 28	1
Minnehoma Oil Co.	Oct. 15	240.00	6,472.00	Oct. 30	3
Do.	Nov. 5	160.00	163.20	Nov. 25	1
Monitor Oil & Gas Co.	Oct. 24	160.00	212.80	Nov. 22	1
Mowris, W. S.					
Nelson, C. C.					
Prairie Oil & Gas Co., undivided one-half interest in Under assignment dated May 24, 1913, from Continental Oil & Refining Co., approved June 10, 1913.		11,505.00			
Prairie Oil & Gas Co., one-half interest in Under assignment dated May 26, 1913, from Keystone Oil & Gas Co., approved June 10, 1913.		5,062.00			
Prairie Oil & Gas Co.	Oct. 7	960.20	244,943.70	Oct. 27	14
Prairie Oil & Gas Co., one-half interest in Under assignment dated May 31, 1913, from John W. Gilliland; approved Aug. 6, 1913.		640.00			
Roxana Petroleum Co.	Oct. 21	200.00	6,800.00	Oct. 30	3
Savoy Oil Co.	Oct. 20	240.68	1,350.00	Nov. 12	2
Shulthis, A. W., one-fourth interest in Under assignment dated May 31, 1913, from John W. Gilliland; approved Aug. 6, 1913.		640.00			
Steel, John A., one-fourth interest in sec. 11, T. 22, R. 10, and one-half interest in NW $\frac{1}{4}$ sec. 14, T. 22, R. 10. Under assignment dated July 8, 1913, and ap- proved Aug. 8, 1913, from John W. Gilliland.		960.00			
Steel, John A.	Feb. 1	640.00	800.00	Mar. 3	1
Elliott, W. C.					
McClintock, F. G.					
Bissett, C. F.					
Stroud, J. W.	Oct. 20	320.00	2,200.00	Oct. 30	2
Twin State Oil Co.	Oct. 13	160.00	8,480.00	..do....	1
Do.	..do....	8.60	2,605.80	..do....	1
West Virginia Osage Oil Co. Under assignment dated May 24, 1913, from M. A. Brast; approved July 1, 1913.		320.00			
White, P. J., Sinclair, H. F., undivided one-half interest in Under assignment dated Apr. 17, 1913, from Samuel G. Kennedy and W. A. Springer, and approved July 8, 1913.		4,780.00			

(Stamped :) Office of Indian Affairs, Received Mar. 25, 1911.

[Exact copy of original lease.]

Whereas it is known that other Indian nations have for many years and do now receive a very considerable revenue from the development of substances of commercial value found on their reservations; and

Whereas it is believed by the Osage people that the reservation held by them in common is rich in similar commodities, which it is their desire to develop; and

Whereas one Edwin B. Foster, of New York City, N. Y., has made application to the Osage National Council for the privilege of prospecting and boring for petroleum and natural gas upon the Osage Reservation, and proposes to enter into a contract for that purpose upon terms that will not be detrimental to the agricultural interests of the country, and which would increase the revenue and enhance the value of our common property should such prospecting result in the discovery of the said petroleum or natural gas: Now, therefore,

Be it enacted by the Osage National Council, assembled at their council house at Pawhuska, Oklahoma, this 14th day of March, 1896, That James Bigheart, principal chief of the Osage Nation, be, and he is hereby, authorized to enter into a contract with the said Edwin B. Foster for the development of petroleum and natural gas only upon the Osage Reservation, and he is hereby instructed to make the said contract on the form prescribed by the Interior Department to meet the requirements of law governing such leases, for a term of ten years, with the privilege of renewal for a term of ten years more at the expiration thereof, if the results of said lease prove satisfactory and upon the approval of the agent in charge, subject to the approval of the Commissioner of Indian Affairs and the Secretary of the Interior.

JOHN MOZIER,
Nat. Secretary.

SAUCY CHIEF (his x mark),
Pres. Council.

THOMAS MOZIER,
Nat. Int.

JAMES BIGHEART,
Prin. Chief.

I certify the above a true copy of the original as passed by the O. N. Council on the date therein mentioned.

H. B. FREEMAN,
Lt. Col. & Actg. Agent.

MINING LEASE.

OSAGE AGENCY, OKLAHOMA TERRITORY,

1896.

LEASE OF

FOR PROSPECTING AND MINING FOR OIL AND GAS UPON THE OSAGE RESERVATION,
OKLAHOMA.

MINING LEASE.

This indenture of lease, in triplicate, made and entered into on this 16th day of March, 1896, by and between James Bigheart, party of the first part, for and on behalf of the Osage Tribe of Indians, occupying and residing upon the Osage Reservation in Oklahoma Territory, under and pursuant to the action of the council of said tribe, speaking for the tribe, duly authorizing the said James Bigheart to contract for the lease of the whole of said reservation, for the period of ten years, for mining purposes, for the production of petroleum and natural gas only, and duly empowering the said James Bigheart, for and on behalf of said tribe, to make and execute a lease of said reservation lands, as per resolution of the Osage National Council, hereto attached and made a part of this agreement, and in accordance with the provisions of section 3 of the act of Congress approved February 18, 1891 (26 Stats., 794), as amended by the act of August 15, 1894 (28 Stats., 305), and Edwin B. Foster, party of the second part, witnesseth:

That the said party of the first party, for and in consideration of the payments to be made by said party of the second part, as herein agreed and stipulated, and by authority of the action of said national council and the said acts of Congress, does by these presents lease and grant unto the said party of the second part, his heirs, executors, administrators, and assigns, the exclusive right for mining purposes as therein specified, for the period of ten years from the date of approval thereof by the Secretary of the Interior, the following described lands, to wit: All the lands in Oklahoma Territory known as the Osage Indian Reservation, for the sole purpose of prospecting for and drilling wells for and mining and producing petroleum and natural gas only, with the right to use so much of the surface of said lands and so much of the timber, building stone, water, wood, gas, or other material found thereon as may be fairly necessary for fuel and with which to construct all dwelling houses, buildings, or other improvements upon said land that may be properly needed in order to successfully conduct said prospecting and mining operations: also the right of way over and across said land to any point desired to prospect upon and to any point where drilling, boring, or prospecting or operating under this lease shall be carried on; and the right of way and right to construct and operate such pipe lines or roadways as may be reasonably necessary to carry on and successfully prosecute the objects of this indenture.

And the said party of the second part, his heirs, executors, administrators, assigns, and sublessees, for and in consideration of the privilege of conducting the mining operations as herein provided for, upon the lands hereinbefore described, for the period of time herein stated, hereby covenant and agree to pay the national treasurer of the Osage Nation, for the use and benefit of said tribe of Indians, the following royalties, to wit: One-tenth ($\frac{1}{10}$) of all crude petroleum mined or procured from said lands, as the same is delivered free in tanks at the wells or places where produced; and fifty dollars (\$50.00) per annum for each gas well that may be discovered and utilized, so long as said well is used by said second party; said royalties to be based upon the market value of the products produced at the place of production, and to be paid to the national treasurer of the Osage Nation, for the use and benefit of the Osage tribe of Indians as aforesaid, in cash, at the office of said treasurer. And said second party further agrees to make settlements of accounts with said treasurer on account of royalties as herein provided for between the first and tenth day—both inclusive—of the months of January, April, July, and October of each year during the term of this lease. And the party of the second part, his executors, administrators, and assigns, covenant and agree that this indenture is made with the express proviso that if any of said rents or royalties shall remain unpaid for thirty days after the same shall have become due and payable as herein provided for, or if said second party shall use the premises for any purpose save that hereinbefore authorized and agreed upon, or shall commit waste or suffer it to be committed on said premises, or misuse or fail to take proper care of the same, or shall pay or surrender said rents and royalties to any person other than the person herein named, or his duly authorized deputy, or shall fail to exercise such reasonable diligence as good business principles and the market shall demand in prosecuting said prospecting and mining operations on the said land, and in a good and workmanlike manner, or shall fail to keep and perform any and all other agreements and covenants contained in this indenture, then, in case of any such default, and if such default shall continue for thirty (30) days after written notice thereof to said lessee, his successors or assigns, then this lease shall thereupon expire at the option and election of the Osage Nation, as expressed by the national council, with the approval of the Secretary of the Interior, without other notice or demand from the said party of the first part upon the party of the second part, and said party of the first part may reenter upon said premises and repossess and recover the same to all intents and purposes as though said parties of the second part had never occupied the same, and without such reentering and without demand for rent, said party of the first part may take possession thereof in the manner prescribed by law relating to proceedings in such cases.

And it is further mutually agreed and understood by and between the parties hereto, that the Osage Nation reserves all right it hath, and its citizens have, to cultivate, graze, and improve, and to lease for farming, grazing, and mining purposes, other than for the mining purpose herein named, all and every part of the lands contained in said reservation, subject to the limitation herein con-

tained, and such right shall not be interfered with or disturbed by the party of the second part, his heirs, executors, administrators, or assigns, except to such an extent as may be actually and absolutely necessary in prospecting for and in conducting and marketing the products herein named; and said second party, and those acting under, through, or by him shall not prospect for or drill or bore any wells for the production of the substances herein mentioned within or upon any cultivated inclosure on said reservation without the written consent of the person occupying such premises, duly acknowledged before the U. S. Indian agent of the Osage Agency.

And it is further expressly agreed between the parties hereto that the Osage Nation shall have the right to the free use of gas for all Government, school, and other public buildings of the nation from any well or wells that may be discovered on said land; and this right shall also extend to all citizens of the nation for domestic purposes; provided that no expense shall be incurred by the party of the second part in piping gas for such purposes. And said second party, in consideration of the covenants herein contained, further covenants and agrees not to remove from said lands any buildings or improvements erected thereon during the term of this lease; but said buildings and improvements shall become a part of the land and shall remain thereon and become the property of the Osage Nation as a part of the consideration herein provided for; provided, that all engines, derricks, tools, and machinery shall remain the property of the party of the second part.

But it is also further expressly provided between the parties hereto, that in case of failure on the part of the party of the second part to pay the rents and royalties as herein specified, the Osage Nation shall have a lien upon all buildings, improvements, engines, derricks, tools, and machinery erected upon or brought upon said lands by the said second party to secure the payment of rents and royalties.

And the said second party further agrees and covenants to exercise such diligence in conducting said prospecting and mining operations as shall be consistent with good business principles, and to open and operate mines and wells for the products above indicated in a good and workmanlike manner; to commit no waste upon said lands and to suffer no waste to be committed thereon; to take good care of the same and to surrender and return the premises at the expiration of this lease to the Osage Nation in as good condition as when received, ordinary wear and tear in the proper use of the same for the purposes herein indicated, and unavoidable accidents, excepted. And it is further expressly agreed that if prospecting hereunder shall not be begun within six months after the approval of this lease by the Secretary of the Interior, or if one or the other of the products herein mentioned be not discovered in paying quantities within eighteen months after such approval, or in case of the failure of the party of the second part for a period of six months at any one time to conduct prospecting or mining operations hereunder, then, or in either of said cases, this lease shall terminate, and the party of the second part shall have and exercise no further rights hereunder.

And it is further agreed between the parties hereto that the said second party shall keep a true and accurate record and account of said mining operations, showing the whole amount of petroleum mined and produced hereunder and the number of gas wells bored and the number in operation, with dates of boring and operating, and that the Osage Nation through its proper officers, the U. S. Indian agent of the Osage Agency, the special Indian agent, and Indian inspectors of the Interior Department, or such other persons as may be designated by the Commissioner of Indian Affairs or the Secretary of the Interior, shall at all times have the right to make such reasonable examination of the books, accounts, records, and papers of the party of the second part, or those claiming under him, as may be necessary to enable them to obtain all information desired as to the amount of petroleum mined and produced hereunder and as to the number of gas wells bored and the number that have been operated and utilized, together with the dates of boring and using. And it is also further provided that the said party of the second part shall enter into a good and sufficient bond, with at least two sureties, in the sum of \$5,000, payable to the Secretary of the Interior for the use and benefit of the Osage Nation, conditioned upon the faithful performance of the conditions of this lease, which bond shall be approved by the Secretary of the Interior. It is also provided that this lease shall become operative only after its approval by the Secretary of the Interior.

And it is further expressly provided that the said party of the second part, or those claiming under him, shall not maintain any nuisance on said reservation, and shall not sell or give away, or permit their employees to sell or give away any intoxicating liquors on said reservation during the term of this lease; and that he or they will not use the premises for any other purpose than that authorized in the lease.

And it is agreed and understood between the parties hereto that the privilege of conducting mining operations hereunder is permitted and agreed to upon the express condition that if the Indian title to any portion of the lands used and occupied by the lessee, his heirs, or assigns shall be extinguished before the expiration of the time herein stated, then and in that event this lease shall be void and of no force and effect with reference to the lands to which the title shall be extinguished, from and after the date of such extinguishment; and the lessee shall be subject to removal therefrom upon 60 days' notice from the Secretary of the Interior, in his discretion: *Provided*, That the extinguishment of title herein mentioned shall not apply to lands which shall be allotted in severalty to Indians, so as to effect this lease to the lands so allotted, but in case any such lands are so allotted, then the royalties accruing on the same shall be paid to the allottees, respectively, instead of to the national treasurer of the Osage Nation.

It is further provided between the parties hereto that no member of or Delegate to Congress, or officer, agent, or employee of the Government shall be admitted to any share or part in this lease, or derive any benefit to arise therefrom.

In testimony whereof, the said parties of the first and second parts have hereunto set their hands and seals the day and date first above named. All erasures and interlineations having been made before signing.

Witnesses:

FRED MORRIS,
EUSTACE WHEELER.

JAMES BIGHEART, [SEAL.]
Prin. Chief.

Witnesses:

E. C. GORDON,
JAMES S. GLENN.

EDWIN B. FOSTER, [SEAL.]

On this 16th day of March, 1896, personally appeared before me, H. B. Freeman, Lt. Col. 5th Inf., acting U. S. Indian agent of the Osage Agency, the above mentioned James Bigheart-----and the above named ----- personally known to me to be the identical persons named, and acknowledged the signing and sealing of the above indenture of lease, for the purposes therein named, to be their free act and deed.

H. B. FREEMAN,
Lieut. Col. 5th Inf., Acting U. S. Indian Agent,

INTERPRETER'S CERTIFICATE.

I, John Mosier, do hereby certify that I am the official interpreter of the Osage Nation; that I fully and truthfully interpreted and explained the foregoing lease to the Osage Nation Council, before the signing and sealing thereof, and am satisfied that they clearly and fully understood the nature of said lease and all the terms thereof before authorizing the said James Bigheart to execute the same for and on behalf of the Osage Nation; and that I witnessed the signing and sealing thereof on the part of said James Bigheart ----- this 16th day of March, 1896.

JOHN MOSIER,
Official Interpreter, Osage Nation.

The above lease was renewed as to 680,000 acres for a period of ten years from March 16, 1906, by the Indian appropriation act for the fiscal year ending June 30, 1905, approved March 3, 1905, increasing gas-well royalty from \$50 to \$100 per annum, and royalty on oil to be fixed by the President. The President's order of June 3, 1905, increased the royalty on oil to one-eighth. The act of March 3, 1905, was reaffirmed by "An act for the division of the lands and funds of the Osage Indians, and for other purposes," approved June 28, 1906.

REGULATIONS TO GOVERN THE LEASING OF LANDS IN THE OSAGE RESERVATION,
OKLA., FOR OIL AND GAS MINING PURPOSES.

Section 3 of an act of Congress, approved June 28, 1906 (34 Stat. L., 539, 543), provides:

"That the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is herein made are hereby reserved to the Osage Tribe for a period of twenty-five years from and after the eighth day of April, nineteen hundred and six, and leases for all oil, gas, and other minerals, covered by selections and division of land herein provided for, may be made by the Osage Tribe of Indians through its tribal council, and with the approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe: *Provided*, That the royalties to be paid to the Osage Tribe under any mineral lease so made shall be determined by the President of the United States: *And provided further*, That no mining of or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease or contract."

To carry this provision of law into effect the following regulations are prescribed to govern the leasing of such lands for oil and gas mining purposes:

DEFINITION.

1. The term "officer in charge" shall refer to the superintendent of the Osage Indian School or other representative of the Government who may, for the time, be in charge of the Osage Agency and Reservation, or any person who may be detailed by the Secretary of the Interior or the Commissioner of Indian Affairs to take charge of leasing or mining operations under these regulations.

2. At such times as the Secretary of the Interior shall direct, the officer in charge shall publish in the two leading newspapers of Pawhuska, Okla., and in such other manner as shall be deemed appropriate notices that specific tracts of Osage lands will be offered for lease to the highest and most responsible bidder, under the sealed-bid system, leases to be executed upon the prescribed form and subject to these regulations.

BIDS.

3. Should the Osage National Council or any person or corporation desire to have any particular tract of land offered for lease, written request to that effect should be submitted to the officer in charge, who will promptly transmit such requests to the Secretary of the Interior with his recommendation.

4. The lands selected for lease will, as a rule, be offered in large tracts, with designated subdivisions thereof of from three hundred and twenty (320) to five thousand one hundred and twenty (5,120) acres.

Bids will be considered for any one or more of the smaller tracts or designated subdivisions, up to the maximum acreage which may be leased by any one person, firm, or corporation, as provided in section eighteen (18) of these regulations.

No bid for any fractional part or subdivision of any tract, except as advertised, will be considered.

The right is reserved to reject any and all bids.

5. If a bidder for several designated subdivisions desires to secure all or none, he may so state in his bid.

6. All bids shall be submitted on Form A, which may be obtained from the officer in charge.

7. Bids must be inclosed in a sealed envelope addressed to the Superintendent, Osage Indian School, Pawhuska, Okla., on which must be plainly written "Bids for leases, Osage Nation, to be opened ——" (giving the date of opening named in the published advertisement). Each bid must be accompanied by a certified check on a solvent national bank, payable to the superintendent and special disbursing officer, Osage Agency, in an amount representing ten per cent (10%) of the bonus offered plus the first year's advance rental of fifteen (15) cents per acre, as a guarantee of good faith and the intention of the bidder to comply with the conditions of the bid and of the regulations.

8. A corporation shall file with its first bid one certified copy of articles of incorporation, and, if a foreign corporation, evidence showing compliance with local corporation laws; a list of all officers and stockholders, with their post-office addresses, and showing the number of shares of capital stock held by each, together with a sworn statement of its proper officer showing—

(a) The total number of shares of the capital stock actually issued, the number of shares actually sold and specifically the amount of cash paid into the treasury on the stock sold; or, if paid in property, state kind, quantity, and value of the same paid.

(b) Of the stock sold, how much per share remains unpaid and subject to assessment.

(c) How much cash the company has in its treasury and elsewhere, and from what sources it was received.

(d) What property, exclusive of cash, is owned by the company, and its value.

(e) What the total indebtedness of the company is, and specifically the nature of its obligations.

(f) List of officers and directors.

9. All bids received by the officer in charge in pursuance of any authorized advertisement shall be opened by him or his representative on the day and at the hour named in the published advertisement in the council room of the Osage Tribe and in the presence of the Osage National Council, or such members thereof as may attend.

As the bids are opened full information concerning each bid shall be entered in a journal and the same placed before the Osage Council for its action.

EXECUTION OF LEASES AND BONDS.

10. Successful bidders will be allowed thirty (30) days from date of notice of acceptance of bid within which to execute leases and otherwise comply with these regulations. Failure on the part of a bidder whose bid shall be accepted to comply with this paragraph shall operate as a forfeiture of the amount tendered as a guarantee of good faith.

Successful bidders shall pay to the officer in charge the unpaid balances of their bids upon approval of their leases by the Secretary of the Interior. Delivery of leases shall be withheld pending such payment.

The amounts tendered with all bids that are rejected shall be immediately returned to the bidders.

11. No drilling or mining shall be permitted upon any tract of land until a lease covering such tract shall have been approved by the Secretary of the Interior and delivered to the lessee.

12. All leases shall be made for a period of ten (10) years from the date of approval thereof by the Secretary of the Interior and as long thereafter as oil and gas are found in paying quantities: *Provided*, That in no case shall the term of any lease extend beyond April eight (8), nineteen hundred and thirty-one (1931).

One lease shall be executed to cover all the designated subdivisions of the particular large tract advertised which may be awarded to the same bidder.

Leases made by corporations shall be accompanied by a single affidavit, form "E," by the secretary or president of the company, showing the authority of its officers to execute leases, bonds, and other papers.

13. No individual, firm, pipe-line company or other corporation, engaged in the business of transporting oil, shall be permitted to acquire any lease or any interest therein.

Lessees shall furnish with each lease an affidavit on form "D," which shall state specifically that he, it, or they are not engaged in the business of transporting oil, and what, if any, consideration has been paid by such lessee or on his behalf, and to whom, for the execution of the lease.

14. The action of the tribal council in connection with the acceptance of any bid or bids and the execution of any lease or leases shall be reduced to writing and properly signed and authenticated. A certificate signed by the principal chief or assistant principal chief and attested by the secretary, showing action of the council, should be attached to each lease.

15. Lessees shall furnish with each lease, at the time it is filed with the officer in charge, a bond (Form C) with two or more acceptable sureties, or with a surety company duly authorized to act as sole surety on bonds running to the

United States. Such bonds shall be in an amount equal to three thousand dollars (\$3,000) for each and every designated subdivision covered by the particular lease.

All bonds shall be conditioned for the payment of all rents, royalties, and damages, if any, and for the faithful carrying out of all other provisions of the lease, and shall contain specific reference in case such test wells are not drilled within the time required, and payment of damages done to the surface of the land, as provided in section twenty-six (26) of these regulations.

The right is specifically reserved to change the amount of the bond in any particular case or to require a new bond where the Secretary of the Interior may deem it proper so to do.

16. The officer in charge may, at any time, either before or after approval of a lease, call for any additional information necessary to carry out the purpose and intent of these regulations, and such information shall be furnished within the time specified in the request therefor.

17. Should a lessee fail to furnish, within the time specified after his bid is accepted, the papers necessary to put his lease and bond in proper form for consideration, the officer in charge shall forward such lease immediately for disapproval.

ACREAGE.

18. No person, firm, or corporation may hold at any one time under lease, assignment, drilling contract, or otherwise, more than twenty-five thousand (25,000) acres of Osage lands at present not under lease for oil or gas production; but any lessee who may surrender or in good faith transfer, in the manner prescribed in these regulations, all or any part of his holdings may acquire other lands in lieu of those surrendered or transferred.

RENTALS AND ROYALTIES.

19. Lessees shall pay, in addition to other considerations, annual advance rentals as follows: Fifteen cents per acre for the first year; 30 cents per acre for the second year; 50 cents per acre for the third year; and \$1 per acre per annum for the fourth and each succeeding year during the life of any lease: *Provided*, That all such payments of advanced rentals shall be credits on royalties on production during the year for which payment of advanced rental is made.

The payment of annual advance rental shall not release the lessee from the obligation to drill test wells, as required by the terms of the lease.

20. As provided in the act of June 28, 1906, *supra*, the President has fixed royalties on production as follows:

(a) On oil the rate of royalty shall be sixteen and two-thirds per cent ($16\frac{2}{3}\%$) of the gross proceeds of all oil produced from the leased premises and such royalty shall be paid in money, based on the actual market value, not less than the guaranteed minimum value of sixty (60) cents per barrel, unless the Osage Council elects, with the approval of the Secretary of the Interior, to take the royalty in oil.

(b) For gas, which is sold or used other than for the development of the lands covered by the lease, the rate of royalty shall be sixteen and two-thirds per cent ($16\frac{2}{3}\%$) of the market value of such gas at the well: *Provided*, That should either the Osage Council or the Secretary of the Interior be of the opinion that the price at which the lessee sells such gas is not the true market value at the well, the Secretary of the Interior shall, after notice and hearing, determine the market value, and the lessee shall account to the lessor at the rate fixed by the Secretary of the Interior as aforesaid. Meters shall be installed at the expense of the lessee for the purpose of measuring the supply of gas, and the accounting shall be on the basis of the supply as shown by the meter statements.

The standard rock pressure in the sale of gas shall be 2 pounds.

Where wells produce both oil and gas in commercial quantities and the gas is found in a formation sufficiently above the oil-bearing sand and has been cased off and utilized, such gas shall be gauged and the royalty determined as herein provided for gas wells. Where wells produce both oil and gas through the same casing, or gas alone in limited quantities, lessees may dispose of such gas upon payment of royalty.

Failure on the part of the lessee to use a gas-producing well which can not be profitably utilized at the rate herein described shall not work a forfeiture of

his lease so far as the same relates to mining oil, but if the lessee desires to retain gas-producing privileges he shall pay a rental of one hundred dollars (\$100) per annum, in advance, calculated from the date of discovery of gas, on each gas-producing well, gas from which is not marketed or utilized otherwise than for operations under the lease.

In the event that any lessee during the course of a year desires to utilize commercially the gas from a well retained in accordance with the foregoing paragraph, the one hundred dollars (\$100) paid as royalty shall be credited on the amount due from the lessee during the course of that year on account of the sale of gas from such well; the total amount to be paid by any lessee, however, in any one year shall be not less than one hundred dollars (\$100) on each gas well on the land covered by his lease.

PAYMENT OF RENTALS AND ROYALTIES.

21. All rentals, royalties, damages, or other amounts which may become due under leases approved in accordance with these regulations shall be paid to the superintendent of the Osage Indian School at Pawlhuska, Okla. The remittances shall be in St. Louis or Kansas City exchange, except that where such exchange can not be procured post-office or express money orders will be accepted. All royalties or other payments or claims of the Osage Tribe arising under such leases shall be a lien upon the mining plant, machinery, and all minerals mined on the property leased or in which the lessee still retains any right, claim, or interest.

22. Royalties on all oil and gas produced in any month shall be paid on or before the twenty-fifth (25th) day of the month next succeeding, and the remittances shall be accompanied by sworn reports covering all operations whether there has been production or not. Lessees shall show in this statement the total amount of oil and gas sold and not merely their working interest, and also the dates of discovery and beginning of utilization of gas from gas wells.

23. The lessee may include in one sworn statement all leases upon which there is no production or upon which dry holes have been drilled.

24. Unless the Osage National Council elects to take its royalties in oil, as provided in section twenty (20) hereof, the lessee may, with the consent of the officer in charge, make arrangements with the purchasers of oil for the payment of royalty to the superintendent of the Osage Indian School, but such arrangements, if made, shall not operate to relieve the lessee from the responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty. Where lessees avail themselves of the privilege outlined in this paragraph, division orders authorizing pipe-line companies or other purchasers of oil to withhold the royalty interest shall be executed and forwarded to the officer in charge for approval before the oil from any well is run to any pipe-line company or other purchaser. Pipe-line companies shall not accept or run oil from such leases until after the approval of division orders showing that the lessee has a lease regularly approved and in effect.

OPERATION.

25. Each lessee shall commence to drill at least one well on each and every leased designated subdivision within ninety (90) days and shall complete such well or wells within one year from the date of the approval of the lease by the Secretary of the Interior. After the drilling of a well is commenced, the drilling operations shall be conducted with due and reasonable diligence until such well is completed or is drilled to such depth as the oil inspector of the Osage Agency shall deem reasonable. Failure on the part of the lessee to begin, continue, or complete the drilling of the well shall be cause for cancellation or forfeiture of all or any part of the lease, as the Secretary of the Interior, in his discretion, may determine.

In addition to forfeiture of the lease for failure to drill the required test well or wells provided for in the lease, the lessee and his surety, by reason of the impossibility of accurately determining the amount of damages which will be occasioned the Osage Nation by such default, shall pay to the officer in charge for the use and benefit of the lessor, as and for liquidated damages and not as a penalty, the sum of two thousand dollars (\$2,000) for each and every test well required by the lease to be drilled and not completed within one year from the date of the approval of the lease by the Secretary of the Interior, and execution of the lease shall be conclusive evidence of the assent of lessee and

lessor to liquidated damages in the sum of two thousand dollars (\$2,000) per well for defaults within the time limit named herein, and the lessee and his surety shall be liable for such payment, even though the Secretary of the Interior, in his discretion, should continue the lease in force and effect.

Any lessee, having drilled and completed the test well or wells required by the lease to be drilled and completed, may release and surrender all the land covered by the lease or any designated subdivision thereof, or such sections of six hundred and forty (640) acres of any designated subdivision as he may elect, on the payment of all rentals and royalties due on the date of such surrender, as provided in section forty-five (45) of these regulations.

Any lessee electing to hold his lease, or any designated subdivision thereof exceeding in area two thousand five hundred and sixty (2,560) acres, after the period of one year allowed for the drilling of one test well on each designated subdivision has expired shall drill and complete at least one additional test well on each designated subdivision exceeding two thousand five hundred and sixty (2,560) acres within one year from and after the date of expiration of the time allowed for the drilling and completion of the first test well, or in default thereof shall pay to the officer in charge for the use and benefit of the Osage Nation by reason of the impossibility of determining the amount of damage which will be occasioned to the lessor on account of failure to drill the second test well as aforesaid the sum of two thousand dollars (\$2,000), as and for liquidated damages and not as a penalty, for each second test well for which the lessee is in default in addition to any and all other payments required by these regulations and the terms of the lease.

26. Lessees may use so much of the surface of the leased land as shall be reasonably necessary for the prospecting and mining operations required by the lease, and shall also have the right of way over and across such land to any point of prospecting or mining operations, but such use of the surface shall be permissible only under condition of least injury and inconvenience to the allottee or owner of the land. Lessees before commencing and during such operations shall pay all reasonable damages for the use of the surface land and to any growing crops thereon, or to improvements on said land, or any damage that during the life of the lease may be occasioned in any manner whatsoever by the use of the surface, to the allottee or his successor in interest or assignee, or to a lessee of the surface of said land, damages to be apportioned among the parties interested in the surface, whether as owners, lessees, or otherwise, as the parties in interest may mutually agree or as their interests may appear: *Provided*, That when the amount of such damage is not agreed upon between the parties in interest any of said parties may notify the officer in charge, whereupon such officer shall notify the parties in interest that he will after ten days from date of notice investigate the matter of damages, such notice to be sent to the lessee, allottee, or his heirs, and such other persons as may have informed the officer in charge in writing of a claim to an interest in the lands. The officer in charge shall thereupon determine the damages and apportionment thereof between the parties in interest, such determination to be final unless an appeal therefrom be taken to the Secretary of the Interior within ten (10) days from date of notice of the determination by the officer in charge. The decision of the Secretary of the Interior on appeal shall be final and conclusive on all parties. Where appeals are taken to the Secretary of the Interior the lessee may proceed with operations, pending appeal, by depositing with the officer in charge the amount fixed by him as damages, and pending action on the appeal so much of said amount as is not in dispute between the parties in interest may be disbursed. Where any party in interest is a minor or noncompetent Indian any agreement made as to damages, or failure to agree, may be investigated by both the principal chief of the Osage Tribe and the officer in charge within ten days after notification to them by any party in interest, and an appraisal and written statement in reference thereto made by the principal chief and the officer in charge in writing, said written appraisal and statements to be transmitted to the Secretary of the Interior in case of a disagreement between them or of an appeal from their determination, and the action of the Secretary of the Interior shall be final and conclusive on all parties.

27. Lessees and those acting under them shall not conduct prospecting or mining operations within or upon any homestead selection or upon land which has been cultivated thirty days or more prior to application to drill, without the written consent of the Secretary of the Interior, to be given only after a written statement showing the views of the allottee with reference thereto or after reasonable opportunity shall have been given for the allottee to be

heard, and after appraisal and determination of damages shall have been agreed upon or fixed as heretofore provided with respect to other allotments. Guardians, legal or natural, may make such written statement for their Indian wards, and where no one is authorized or where no person is deemed by the officer in charge to be a proper party to speak for a minor or person of unsound mind or of feeble understanding, such written statement may be made by the principal chief of the Osage Tribe.

28. Any person, other than a lessee or an allottee or the heirs of a deceased allottee, claiming an interest in any leased tract or in damages thereto must furnish to the officer in charge a statement in writing showing his interest, and failure to furnish such statement shall constitute a waiver of notice and estop said person from claiming any part of such damages after the same shall have been disbursed.

29. Lessees will not be permitted to use any timber from any Osage lands not relieved of restrictions upon alienation except under written agreement with the owner approved by the officer in charge.

30. No well shall be drilled within fifty feet of any public highway or section line. No oil or gas well or tank shall be located within three hundred (300) feet of any building used as a dwelling, granary, shelter for stock, or established watering place, unless, in order to prevent serious loss to any lessee by reason of drainage, written permission to drill within said prohibited distance shall be given by the officer in charge after ten (10) days' notice to the allottee as herein provided. As far as practicable, all pipes shall be laid underground, so as not to interfere with agricultural or grazing privileges, and the oil inspector of the Osage Agency shall have the right of final decision in all cases as to the practicability in view of all the circumstances including the place of operations and the cost of laying such pipes underground.

31. Lessees or operators shall plug all dry or abandoned wells in accordance with the laws of the State of Oklahoma. In the event the lessee or operator shall fail to plug properly any dry or abandoned well in accordance with the laws of the State, the officer in charge may, after five (5) days' notice to the parties in interest, plug such well at the risk and cost of the lessee and his sureties. Failure to plug a dry or abandoned well as herein provided shall be a good and sufficient cause for the cancellation of the lease in the discretion of the Secretary of the Interior.

32. Whenever any lessee or operator, in drilling wells for oil or gas on lands from which coal or other minerals are being mined, finds that such well passes through any such mine, the lessee or operator shall drill the well to a depth of at least 10 feet below the vein of coal or other mineral being mined, and such well shall be cased and sealed on the outside of the casing with suitable material to the level of the floor of the mine, and each vein of coal or other mineral being mined, pierced by such well, shall be sealed in the same manner.

Upon the abandonment of any well drilled for oil or gas, which has passed through any vein of coal or other mineral, the lessee or operator shall fully protect such vein of coal or other mineral in the same manner as has been heretofore provided in section thirty-one hereof for the protection of oil or gas bearing rock or sand or in such manner as shall be satisfactory to the officer in charge.

33. All "B-S" or other refuse from tanks and wells shall be drawn off into proper receptacles at a safe distance from the tanks, well, or buildings, and disposed of by being burned; but in no case shall it be permitted to flow over the surface of the land to the injury of any surrounding property or to the pollution of any stream: *Provided*, That in cases where it is impossible to burn "B-S" and other refuse, or where in the operation of a well it is necessary to pump salt water in such quantities as would damage the surface of the lands or pollute any stream, the officer in charge, after having been so notified by the lessee or operator, shall cause an examination of the conditions and shall issue instructions in each separate instance as to the manner in which the "B-S" and refuse or salt water shall be disposed of. Failure on the part of the lessee to properly care for "B-S" and other refuse, in accordance with this provision, will be sufficient cause for the cancellation of the lease by the Secretary of the Interior after notice and opportunity to be heard.

34. If in the drilling of wells both gas and oil are encountered in commercial quantities and the gas is found in a formation sufficiently above the oil-bearing sand to permit being separated from the oil by casing, such gas shall be so separated from the oil and securely shut in and preserved, and shall not be

permitted to flow with the oil through the same string of casing: *Provided*, That in all those cases where a well is producing both oil and gas and it is impossible or impracticable to case the gas off from the oil, it shall then be within the discretion of the officer in charge, subject to appeal to the Secretary of the Interior, to determine whether such well shall be operated as an oil well or shall be closed in until such time as the gas may be utilized and the oil produced without waste of gas.

35. To prevent the escape of gas, lessees and operators in possession of any gas-producing well shall, within five days after penetrating the gas-bearing rock or sand, shut in and confine the gas in such well until such time as the gas shall be utilized for light, fuel, steam, or other purposes: *Provided*, That this regulation shall not apply to any well which is operated for oil, or during the process of drilling when reasonable diligence is used, or when oil is found in a lower stratum of sand and the gas found in the upper stratum is cased off and the well is operated as an oil well. Lessees or operators shall pay to the officer in charge the sum of ten dollars (\$10) per day for each well during the time such well is allowed to go uncontrolled or uncared for, as provided in this section, unavoidable accidents excepted.

Amendment to the regulations of July 3, 1912, governing the leasing of lands in the Osage Reservation, Okla., for oil and gas-mining purposes, under section 3 of the act of June 28, 1906 (34 Stat. L., 539, 543).

Section 35 of the regulations approved July 3, 1912, to govern the leasing of lands in the Osage Reservation, Okla., for oil and gas-mining purposes, is hereby amended and modified to read as follows:

"SEC. 35. (a) Lessees, sublessees, and assignees drilling for oil or gas on Indian lands must keep at each well ready for immediate use, the best approved facilities for capping the well to prevent the waste of gas or oil in case of the unexpected flow of either from the well; in case of wells already under way, immediately notify the superintendent of the Osage agency of the exact location of each well and the kind of equipment for capping oil and gas wells provided by them. Lessees, sublessees, and assignees must hereafter furnish such report immediately upon the commencement of every new well.

"(b) In all oil or gas wells where gas occurs above the oil, the gas must be forced back and held in the strata until needed, in which case the drilling for oil can be resumed as soon as the gas has been confined in its own stratum, or the drilling must be discontinued and the well securely capped to prevent the waste of the gas, or the gas must be cased off and brought out of the well for use, separate from the oil.

"In no case shall gas occurring in strata above the oil be used to lift oil from the oil-bearing strata to the surface and be allowed to escape.

"(c) Operators will be expected to exercise every reasonable precaution to avoid waste of natural gas, after separation from the oil, where the gas occurs in the same strata and comes from the wells with the oil.

"In general, every possible precaution must be taken to stop the present waste and prevent future waste of natural gas both at the wells and from connecting pipe lines, and also to prevent the wasteful use of gas about the wells.

"(d) When, in the course of drilling, operators strike water, drilling must be stopped, before proceeding into the strata, until adequate provision has been made for permanently shutting out the water and thus preventing its reaching either the overlying or underlying oil and gas bearing strata.

"(e) A failure on the part of the lessees or operators to prevent a waste of gas and to protect the oil and gas strata from an inflow of water, as provided by these regulations, shall be a violation of one of the material and substantial terms and conditions of the lease and shall subject the lease to cancellation by the Secretary of the Interior."

These amendments shall become effective and be in full force from and after the date of approval hereof, and supersede all former regulations in conflict therewith.

CATO SELLS,
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, *Washington, D. C.*

Approved August 25, 1913.

A. A. JONES,
First Assistant Secretary.

36. Lessees shall have the right to the free use of so much of the oil and gas on any leased tract as shall be fairly necessary for light and fuel in mining operations conducted on such tract, but such privilege shall be restricted to an economical use by the means of modern appliances: *Provided*, That should oil or gas be furnished from any leased tract to the lessee, driller, or operator on another leased tract, the lessee furnishing oil or gas for mining operations on such other leased tract not producing sufficient oil or gas to conduct operations thereon shall pay to the officer in charge the royalties prescribed in the lease.

37. Lessees and those operating under them who may use natural gas for outside illumination upon the premises covered by a lease shall be required to use the device known as a "Storm burner," or other burner which consumes no more gas than the "Storm burner." Lamps shall not be lighted earlier than five (5) o'clock in the afternoon and shall be extinguished not later than eight (8) o'clock each morning, and the officer in charge shall be the sole judge as to the number of lights to be permitted upon and around any leased tract, subject to appeal therefrom to the Secretary of the Interior. Stop-cocks shall be placed on all pipes used for conveying gas to burning devices of any character and the gas shall be shut off at all times when not in use.

38. Lessees and those operating under them, using natural gas for fuel in steam boilers, shall provide a standard economical burner adapted for steam boilers and shall also provide such boilers with standard boiler regulators so connected that the steam pressure will regulate the flow of gas. The boiler shall also be provided with a smokestack not less than ten (10) feet in height.

39. Lessees shall provide proper tankage of suitable shape for accurate measurement into which production of crude oil shall be conducted direct from wells through pipes or other closed connections. If the contents of such tanks are removed from the leased premises or disposed of in any manner other than to a purchaser to whom a division order has been approved, authority therefor must first be procured from the officer in charge, accurate measurement made, and the production reported and royalty thereon paid in the usual manner.

40. In cases of emergency where the capacity of new wells is such that lessees are unable immediately to provide proper tankage, production may, with the approval of the officer in charge, be conducted to open ponds or earthen tanks, but in no case shall any embankment exceed fifteen (15) feet in height. Such ponds or earthen tanks shall be so constructed as to minimize the danger of overflow or collapse or damage to crops on adjacent property.

41. Crude oil run into earthen tanks in cases of emergency shall not be allowed to remain in such earthen tankage for a longer period than fifteen (15) days, except that where lessees desire so to store their oil such tankage may be used after the oil has been properly gauged and royalty paid thereon when the tanks are so constructed as to remove all reasonable danger of fires, overflow, and damage to other property. The right is reserved for the officer in charge to supervise the construction of earthen tanks.

42. Oil to be temporarily held or stored in earthen tankage must be run from the wells into receiving tanks capable of accurate measurement, and then gauged before being turned into earthen tankage.

43. Oil shall not be sold to a pipe-line company until a division order is approved by the officer in charge. Should the lessee desire to sell or remove oil from the leased premises in any other manner, such sale or removal shall not be made until first authorized by the officer in charge. The lessee or his authorized representative shall actually be present when oil taken under division orders is run by the pipe-line company and the lessee shall be responsible for the correct measurement and report of oil so run; and shall be liable to account on the basis of the pipe-line reports, plain error or mistake excepted, otherwise the approval of division orders may be revoked.

ASSIGNMENTS.

44. Approved leases or any interest therein may be sublet, transferred, or assigned with the consent and approval of the Secretary of the Interior and not otherwise. Subleases, transfers, or assignments, when so approved, shall be subject to the terms and conditions of the original leases and the regulations under which such leases were approved as well as to such additional requirements as the Secretary of the Interior may prescribe. The sublessee, transferee, or assignee shall furnish with his sublease, transfer, or assignment a satisfactory bond as hereinbefore prescribed in connection with leases.

Any attempt to sublease, transfer, or assign an approved lease or any interest therein without the consent and approval of the Secretary of the Interior shall

be absolutely void and shall subject the original lease to cancellation in the discretion of such Secretary.

SURRENDER AND CANCELLATION.

45. When a lessee makes application for the cancellation of a lease in whole or in part, all royalties or rentals due up to and including the date of the application for cancellation must be paid, and that part of the lease delivered the lessee shall be surrendered before such application will be considered. In the event a lease is surrendered for cancellation, in whole or in part, after a new lease year has been entered upon, the lessee and his surety shall be liable for the advanced rentals required to be paid under the lease for that year, and no part of such rentals which may have been paid shall be refunded.

GENERAL.

46. All lessees shall maintain offices or have representatives at Pawhuska, in Osage County, Okla.

47. Lessees, sublessees, and assignees must submit to the officer in charge on January first (1) of each year, and at such other times as may be required by the Secretary of the Interior, a statement containing the information called for in paragraphs "a" and "f" of section eight (8) of these regulations and also showing any changes in officers or changes in or additions to stockholders. At any time individual stockholders may be required to show to the satisfaction of the Secretary of the Interior in what companies or with what persons or firms they are interested in oil or gas mining leases on the Osage Reservation and whether they hold such stock or interests for themselves or in trust.

48. Lessees shall allow the agents and representatives of the lessor, or any authorized representative of the Interior Department, to enter, from time to time, upon and into all parts of the leased premises for the purposes of inspection and shall further agree to keep a full and correct account of all operations and make reports thereof, as herein required, and their books and records showing manner of operations and persons interested shall be open at all times for the examination of such officers of the department as shall be instructed by the Secretary of the Interior to make such examinations.

49. All persons or corporations drilling wells under approved leases, subleases, or assignments shall keep a true and correct record of each well, including the log of same, and shall furnish to the officer in charge a copy of such log not later than 15 days after such well has been drilled, duly certified to under oath by the operator or his representative, and the said operator or his representative shall furnish a statement under oath as to whether the rig timbers were procured on the Osage Reservation; and if so, state the name of the allottee or other person from whom the said rig timbers were purchased, and shall also furnish any other information the officer in charge may desire relative to the drilling of said well or the procurement of timber used in connection with such operation.

50. Wherever notice is provided for in these regulations it shall be sufficient if notice has been mailed to the last-known place of address of the party, and time shall begin to run with the day next ensuing after the mailing or from the date of delivery of personal notice; but where the party is outside the State of Oklahoma the officer in charge may, in his discretion, increase the time allowed.

51. Lessees are required, when so requested, to file a plat of their leases showing exact locations of all producing oil or gas wells, dry holes, proposed locations, tanks, power houses, pumping stations, etc. Such plats should also show locations of dry or producing wells upon the adjoining tracts, so far as known to the lessee.

52. The Osage Nation shall have the right to the free use of gas for all school and other buildings belonging to the Osage Nation from any well or wells that may be discovered: *Provided*, That no expense shall be incurred by the lessee in piping gas for such purposes, and the lessee shall not be required to pay royalty on such gas.

53. All gas discovered and produced under any lease made in accordance with these regulations shall be utilized within the limits of Osage County, except with the consent of the Osage National Council, approved by the Secretary of the Interior.

54. Except in cases of emergency which shall not exceed ten (10) days, not more than sixty per cent (60%) of the capacity of any gas well shall be utilized.

FORMS.

55. Bids, leases, and other papers must be upon forms prepared by the department, and the superintendent of the Osage Indian School, Pawhuska, Okla., will furnish prospective lessees with such forms at a cost of one dollar (\$1) per set. Copies of such forms are printed herewith.

Form A. Bid and application for oil and gas lease, including financial showing.

Form B. Oil and gas leases.

Form C. Bond.

Form D. Affidavit of lessee and proof of bonus.

Form E. Authority of officers to execute papers.

Form F. Assignment.

56. On the failure of any lessee, sublessee, or assignee to comply with any regulation or any obligation in the lease, sublease, or assignment, the Secretary of the Interior may cancel and annul such lease without resorting to the courts and without any further proceeding: *Provided*, That the party or parties charged with such violation shall be first given not less than thirty (30) days' notice to show cause why such lease should not be canceled and annulled or other order made with reference thereto.

These regulations are subject to change or alteration at any time by the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

The foregoing regulations are respectfully submitted to the Secretary of the Interior with the recommendation that they be approved.

F. H. ABBOTT,

Assistant Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, July 3, 1912.

Approved.

SAMUEL ADAMS,

First Assistant Secretary.

FORMS.

FORM A.—*Bid and application for oil and gas mining lease. Osage Reservation.*

—————, 191—.

The SECRETARY OF THE INTERIOR

(Through United States Indian Superintendent),

Osage Indian Agency, Pawhuska, Okla.

The undersigned, hereinafter called the applicant, hereby offers a bonus of \$—— per acre for a lease for oil and gas mining purposes on designated subdivisions of tract —— of Osage Indian lands described as: Subdivision ——, —— T. — N., R. — E., as advertised under date of ——, 191—. There is inclosed certified check for \$——, the same being 10 per cent of the amount of bonus offered plus the advance annual rental of 15 cents per acre for the first year. In event of the acceptance of this bid the applicant hereby agrees to be bound by the conditions and requirements set forth in the regulations prescribed for the leasing of said lands, and that on failure of the applicant so to do the amount herewith shall be forfeited to the Osage Nation of Indians, and such forfeiture shall not be a waiver of any right of action the Osage Tribe may have. It is further agreed by the applicant that this bid, if accepted, shall be considered a part of the lease which shall be executed in accordance herewith.

The applicant guarantees to pay royalty on a minimum price of 60 cents per barrel on all oil produced.

Remarks: ——.

The applicant solemnly swears that the lease, for which bid and application is hereby made, is to be taken in good faith in the interest and for the exclusive benefit of the applicant, and not for speculation or transfer, or as agent for, or in the interest of or for the benefit of any other person, firm, corporation, or

association; that no other person, firm, corporation, or association has any interest, present or prospective, directly or indirectly, therein, and that there is no understanding or agreement, expressed or implied, by which the land leased, or any interest in or under the lease by working or drilling contract or otherwise, is to be used, sublet, assigned, or transferred, without the consent of the Secretary of the Interior first obtained, but that it is to be taken for the purpose of operation and development under the direction, supervision, and control of the applicant, except as herein stated.

Affiant solemnly swears that the applicant is not interested, either directly or indirectly, in oil and gas mining leases in that portion of the Osage Reservation to be leased under regulations of July 3, 1912, except with the following-named persons, firms, corporations, or associations, and that the aggregate of all these interests, together with the leases held by the applicant alone, and that applied for herein, will not exceed 25,000 acres:

(Name.)

(Post-office address.)

The applicant hereby states that his general business experience for the past five years has been as follows: _____.

The applicant's financial condition at this time is _____.

The applicant's resources are as follows: _____, and he has available at least \$_____ for the development of the land for which this application is made.

The applicant, a corporation, hereby shows that at this time it has \$_____ paid-up capital and \$_____ in its treasury available for oil and gas operations. (Note a.)

It is hereby agreed that on the issue, transfer, or cancellation of stock of corporations, or changes in officers, prompt reports will be made thereof as required by the regulations.

The books and accounts of the applicant covering the business to be carried on under the lease, if approved, will be kept at _____, in the custody of _____.

(References, Note b.)

(Post-office address.)

Executed this _____ day of _____, 19____, at _____, _____.

Before me, a notary public in and for the county of _____, State of _____, personally appeared _____, who being first duly sworn according to law, deposes and says that the foregoing bid and application was signed by proper authority in good faith for the purposes therein stated, and that the statements made therein are true as he verily believes.

[SEAL.]

My commission expires _____.

Notary Public.

(a) Corporations shall furnish with their first application the additional financial showing required by the regulations.

(b) Bank references are preferred.

FORM B.—*Oil and gas mining lease, Osage Reservation, Oklahoma.*

This indenture of lease made and entered into, in quadruplicate, on this _____ day of _____, A. D. 19____, by and between the Osage Tribe of Indians, by _____, its principal chief, under authority conferred by the Osage Tribal Council, of the State of Oklahoma, party of the first part, hereinafter designated as lessor, and _____ of _____, party of the second part, hereinafter designated as lessee, under and in pursuance of the provisions of section 3 of the act of Congress approved June 28, 1906 (34 Stat., 539, 543), witnesseth:

1. The lessor, for and in consideration of one dollar, the receipt whereof is acknowledged, and of the royalties, covenants, stipulations, and conditions hereinafter contained, and hereby agreed to be paid, observed, and performed by the lessee, does hereby demise, grant, lease, and let unto the lessee, for the term of ten years from the date of the approval hereof by the Secretary of the Interior, and as long thereafter as oil or gas is found in paying quantities, provided, however, that the term of this lease shall not extend beyond April 8, 1931, all the oil deposits and natural gas in or under the following designated subdivisions of land, of tract _____, lying and being within the Osage Reserva-

tion, Osage County, State of Oklahoma, described as: Subdivision ———, T. — N., R. — E. (insert description in full in each case), of the Indian meridian, and containing in the aggregate ——— acres, more or less, with the exclusive right to prospect for, extract, pipe, store, and remove oil and natural gas, and to occupy and use so much only of the surface of said land as may be reasonably necessary to carry on the work of prospecting for, extracting, piping, storing, and removing such oil and natural gas; also the right to obtain from wells or other sources on said land, by means of pipe lines or otherwise, a sufficient supply of water to carry on said operations, and also the right to use, free of cost, oil and natural gas as light and fuel so far as necessary to the development and operation of said property.

2. The lessee— hereby agree— to pay or cause to be paid to the superintendent of the Osage Indian School, at Pawhuska, Okla., for the lessor, as royalty, 16 $\frac{2}{3}$ per cent of the gross proceeds of all crude oil extracted from the said land, such royalty to be paid in money based on the actual market value, unless the Osage National Council, with the approval of the Secretary of the Interior, shall elect to take the royalty in oil, payment to be made at the time of sale or removal of the oil. It is understood and agreed, however, that should the actual market value of such oil be less than 60 cents per barrel, the lessee— guarantee— to pay royalty based on the minimum price of 60 cents per standard barrel. And the lessee— agree— to pay as royalty on each gas-producing well utilized otherwise than as provided herein 16 $\frac{2}{3}$ per cent of the market value of the gas at the well: *Provided*, That should either the Osage National Council or the Secretary of the Interior be of the opinion that the price at which the lessee— sell— such gas is not the true market value at the well, the Secretary of the Interior shall, after notice and hearing, determine the market value and the lessee— shall account to the lessor at the rate fixed by the Secretary of the Interior as aforesaid. The lessee shall establish meters at ——— expense to measure the supply of gas received from the leased premises, and the accounting shall be on the basis of the supply as shown by such meter statements. It is understood and agreed by the parties hereto that the standard rock pressure for the sale of gas from this lease shall be two pounds. The Osage Nation shall have the right to the free use of gas for school and public buildings on the leased lands: *Provided*, That no expense shall be incurred by the lessee— in piping gas for such purposes, and the lessee— shall not be required to pay royalty on such gas. Failure on the part of the lessee— to use a gas-producing well, which can not profitably be utilized at the rate herein prescribed, shall not work a forfeiture of this lease so far as the same relates to mining oil, but if the lessee— desires to retain gas-producing rights or privileges, lessee— shall pay a rental of one hundred dollars per annum in advance on each gas-producing well, the gas from which is not marketed or not utilized otherwise than for operations under this lease, and the same shall be credited on gas royalties due and payable, if, during the year for which advance gas royalties are paid lessee— elects to market the gas.

3. The lessee— shall pay to the officer in charge, as advance annual rental on this lease, fifteen cents per acre in advance for the first year; thirty cents per acre in advance for the second year; fifty cents per acre in advance for the third year; and one dollar per acre per annum, in advance, for the fourth and each succeeding year thereafter, it being understood and agreed that the said sums of money so paid during any year in which royalties on production are payable, shall be a credit on the stipulated royalties due from the lessee— if such royalties on production exceed the advance annual rental for that year.

4. The lessee— covenant— and agree— to commence to drill at least one well on every leased designated subdivision within ninety days and to complete such well or wells within one year from the date of the approval of this lease by the Secretary of the Interior. After the drilling of a well is commenced the drilling operation shall be conducted with due and reasonable diligence until such a well is completed or is drilled to such depth as the oil inspector of the Osage Nation shall deem reasonable. In addition of forfeiture in the sole discretion of the Secretary of the Interior of the lease for failure to drill and complete the required test well or test wells on each and every designated subdivision as aforesaid, within the time provided by this lease and the regulations relating thereto, the lessee— and ——— surety, by reason of the impossibility of accurately determining the amount of damages which will be occasioned the Osage Nation by such default, shall pay to the superintendent of the Osage school for the use

and benefit of the lessor as and for liquidated damages, and not as a penalty, the sum of two thousand dollars (\$2,000) for each and every test well required to be drilled and not completed within one year from the date of approval of this lease by the Secretary of the Interior and the execution of this lease shall be conclusive evidence of the assent of lessor and lessee to liquidated damages in the sum of two thousand dollars (\$2,000) per well for defaults within the time limit named herein. The lessee—, after having drilled and completed the test wells or wells required to be drilled and completed, may release and surrender all the land covered by the lease, or any designated subdivision thereof, or such section of six hundred forty acres of any designated subdivision as he may elect on the payment of all rentals and royalties due on the date of such surrender, as provided in paragraph eight of this lease. Should the lessee— elect to hold the lease or any designated subdivision thereof exceeding in area 2,560 acres after the period of one year allowed for the drilling of one test well on each designated subdivision has expired, —he— shall drill and complete at least one additional test well on each designated subdivision exceeding in area 2,560 acres within one year from and after the date of expiration of the time allowed for the drilling and completion of the first test well, or in default thereof, shall pay to the superintendent of the Osage Indian School for the use and benefit of the Osage Nation by reason of the impossibility of determining the amount of damage which will be occasioned to said nation on account of failure to drill such second test well as aforesaid the sum of two thousand dollars (\$2,000), as and for liquidated damages and not as a penalty, for each second test well for which the lessee— may be in default, in addition to any and all other payments required by the regulations and the terms of this lease. Failure on the part of the lessee— to comply strictly with the provisions of this paragraph shall constitute a violation of one of the substantial terms and conditions of this lease and shall operate as a forfeiture of the lessee— rights and subject the lease to cancellation in the discretion of the Secretary of the Interior, but such forfeiture and cancellation shall not operate to relieve or release the lessee— and surety from the payment of liquidated damages as herein provided for even though the Secretary of the Interior shall, in his discretion, continue the lease in force and effect.

5. The lessee— may use so much of the surface of the land as may be reasonably necessary for prospecting and mining operations required by this lease and shall also have the right of way over and across such land to any point of prospecting or mining operations, but such use of the surface shall be permissible only under the condition of least injury and inconvenience to the allottee and owner of the land. Lessee, before commencing and during such operations shall pay all reasonable damages for the use of such surface of the land and to any growing crops thereon, or to any improvements on such land or any damages that during the life of this lease shall be occasioned in any manner whatsoever to the allottee or his successor in interest or assignee, or to the lessee of the surface of the land by the use of the surface, such damages to be apportioned among the parties interested in the surface, whether as owners, lessees, or otherwise, as such parties may mutually agree or as their interests may appear: *Provided*, That when the damages can not be agreed upon between the parties in interest, the amount of such damage shall be determined in accordance with the regulations approved by the Secretary of the Interior.

6. The lessee shall carry on development and operations in a workmanlike manner, commit no waste on the said land, suffer none to be committed upon the portion in — occupancy or use, take good care of the same, and promptly surrender and return the premises upon the termination of this lease to whomsoever shall be lawfully entitled thereto, unavoidable casualties excepted; shall not remove therefrom any buildings or permanent improvements erected thereon during the said term by the said lessee—, but said buildings and improvements shall remain a part of said land and become the property of the owner of the surface of the land, excepting the tools, derricks, boilers, boiler houses, pipe lines, pumping and drilling outfits, tanks, engines and machinery, and the casing of all dry or exhausted wells, which shall remain the property of the lessee—, and may be removed at any time within sixty days after the termination of the lease by forfeiture or otherwise, provided the payments agreed upon by this lease and the regulations applicable thereto have been made to the lessor, but not otherwise; shall not permit any nuisance to be maintained on the premises under lessee—, control, nor allow any intoxicating liquors to be sold or given away for any purposes on such premises; shall not use such premises for any other purpose than those authorized in this lease; and before abandoning any well shall securely plug the same, so as effectually

to shut off all water from the oil-bearing stratum, as provided in the regulations prescribed by the Secretary of the Interior.

7. The lessee- shall keep an accurate account of all oil and gas mining operations, showing the sales, prices, dates, purchasers, and the whole amount of oil mined or removed and the quantity of gas sold and the gross receipts derived therefrom, and shall make sworn reports thereof as required by the regulations, and all sums due as royalty, advance rental, liquidated or surface damages shall be a lien on all implements, tools, movable machinery, and all other personal chattels used in operating said property, and upon all of the unsold oil obtained from the land herein leased, as security for payment of said sums.

8. The lessee- may at any time, by paying to the Indian superintendent all amounts then due as provided herein and the further sum of \$1, surrender all or any part of the land covered by this lease and have the lease canceled as to the land surrendered and be relieved from all further obligations and liabilities thereunder as to the part surrendered: *Provided*, That in the event the lease is surrendered for cancellation in whole or in part after a new lease year has been entered upon, the lessee- and the surety shall be held liable for the advance rentals required to be paid for that year, and no part of such rentals which may have been paid shall be refunded.

9 This lease shall be subject to the regulations of the Secretary of the Interior, now or hereafter in force, relative to such leases, all of which regulations are made a part and condition of this lease: *Provided*, That no regulations made after the approval of this lease, affecting either the payments or damages thereunder, shall operate to affect the terms and conditions of this lease.

10. Upon the violation of any of the terms and conditions of this lease, the Secretary of the Interior shall have the right at any time after thirty (30) days' notice to the lessee-, specifying the terms or conditions violated, to declare this lease null and void.

11. Before this lease shall be in force and effect the lessee- shall furnish a bond with responsible surety to the satisfaction of the Secretary of the Interior, conditioned for the performance of this lease, which bond shall be deposited and remain on file in the Indian Office.

12. Assignment of this lease or any interest therein may be made with the approval of the Secretary of the Interior and not otherwise.

13. Each and every clause and covenant of this indenture shall extend to the heirs, executors, administrators, successors, and lawful assigns of the parties hereto.

In witness whereof the said parties have hereunto subscribed their names and affixed their seals on the day and year first above mentioned.

Two witnesses to execution by lessor :

_____,
Post office, _____.

_____. [SEAL.]

Attest _____.

_____,
Post office, _____.

Two witnesses to execution by lessees :

_____,
Post office, _____.

_____. [SEAL.]

Attest _____.

_____,
Post office, _____.

ACKNOWLEDGMENT OF PRINCIPAL CHIEF.

STATE OF _____, County of _____, ss :

Before me, _____, on this _____ day of _____, 19____, personally appeared _____, to me known to be the _____ principal chief of the Osage Nation, and the identical person who executed the within and foregoing lease, and acknowledged to me that he executed the same as his voluntary act and deed on behalf of the Osage Nation and in accordance with the authority given him by the Osage National Council.

_____,
_____.
(Official title.)

ACKNOWLEDGMENT OF INDIVIDUAL.

STATE OF _____, *County of* _____, *ss:*

Before me, a notary public, in and for said county and State, on this _____ day of _____, 19____, personally appeared _____, to me known to be the identical person who executed the within and foregoing lease, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

Notary Public.

My commission expires _____.

ACKNOWLEDGMENT OF CORPORATION.

STATE OF _____, *County of* _____, *ss:*

On this _____ day of _____, A. D. 19____, before me, a _____ within and for the _____ and _____, aforesaid, personally appeared _____ and _____, to me personally known, who, being by me duly sworn, did each say that _____ is the _____ president and _____ is the _____ secretary of _____, a corporation, and that the seal affixed to the foregoing and annexed instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said _____ and _____ duly acknowledged that they each had in their said official capacities executed the foregoing instrument as the act and deed of the said company for the consideration and purposes therein mentioned and set forth.

Witness my hand and official seal this _____ day of _____, 19____.

My commission expires _____.

DEPARTMENT OF THE INTERIOR,
U. S. INDIAN SERVICE,
OSAGE AGENCY,
Pawhuska, Okla., _____, 19____.

The within lease is forwarded to the Commissioner of Indian Affairs with recommendation that it be _____. See my report of even date.

(Official title.)

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., _____, 19____

Respectfully submitted to the Secretary of the Interior with recommendation that it be _____.

Commissioner.

WASHINGTON, D. C., _____, 19____.

The within lease is _____.

Secretary of the Interior.

Filed for record this _____ day of _____, 19____, at _____ o'clock _____ m.

By _____.

FORM C.—Bond.

(To accompany leases for oil and gas mining purposes, Osage Reservation, Okla.)

Know all men by these presents that _____, of _____, as principal, and _____, of _____, as surety, are held and firmly bound unto the United States of America in the sum of _____ dollars, lawful money of the United States, for the payment of which, well and truly to be made, we bind

ourselves, and each of us, our and each of our heirs, successors, executors, or administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this _____ day of _____, 19—.

The condition of this obligation is such that:

Whereas the above-bounden _____, as principal —, entered into a certain indenture of lease, dated _____, 19—, with the Osage Tribe of Indians, for the lease of certain lands described as:

Subdivision —, T. — N., R. — E. (Insert description in full in each case.) of the Indian meridian, and located in tract _____ in the Osage Reservation, Okla., for oil and gas mining purposes for the period of 10 years from the date of approval thereof by the Secretary of the Interior and as long thereafter as oil and gas are found in paying quantities on said land: *Provided*, That in no event should the term of said lease extend beyond April 8, 1931; and

Whereas the above-bounden _____ did covenant and agree in said lease to pay advance rentals annually at the rate of fifteen cents per acre for the first year, thirty cents per acre for the second year, fifty cents per acre for the third year, and one dollar per acre per annum for the fourth and each succeeding year during the life of said lease, and to pay royalties on production at the rate of sixteen and two-thirds per cent of the gross proceeds of all oil produced from the leased premises based on the actual market value, but not in any event to be less than sixty cents per standard barrel and sixteen and two-thirds per cent of the market value at the well of all gas sold or utilized other than for operations under the lease; and

Whereas the above-bounden _____ did covenant and agree in said lease to drill and complete one test well on each designated subdivision covered by said lease within one year from the date of approval of the lease by the Secretary of the Interior, or in default thereof, to pay to the Osage Nation as liquidated damages and not as a penalty the sum of two thousand dollars (\$2,000) for each and every test well not drilled and completed within one year after the date of the approval of the lease as aforesaid and the same sum for failure to drill a second test well within two years on any retained subdivision exceeding 2.560 acres in extent; and

Whereas the above-bounden _____ did covenant to pay all reasonable damages for the use of the surface of the land and to any improvements and growing crops thereon in accordance with the terms of said lease and the regulations prescribed by the Secretary of the Interior:

Now, therefore, if the above-bounden _____ shall faithfully carry out and observe all the obligations assumed in said indenture of lease by _____, shall pay all rentals and royalties as the same may become due, shall pay liquidated damages on failure to drill the test well or test wells as required by said lease, shall pay all damage to the surface of the land or to any growing crops or improvements thereon caused by prospecting and mining operations, and shall observe all the laws of the United States, and regulations made, or which shall be made thereunder, for the government of trade and intercourse with Indian tribes, and all the rules and regulations that have been, or may be lawfully prescribed by the Secretary of the Interior relative to leases on lands in the Osage Reservation, Oklahoma, then this obligation shall be null and void; otherwise to remain in full force and effect.

Signed and sealed in the presence of—

Witnesses:¹

_____	Post office _____	_____	[SEAL.]
_____	Post office _____	_____	
_____	Post office _____	_____	[SEAL.]
_____	Post office _____	_____	
_____	Post office _____	_____	[SEAL.]
_____	Post office _____	_____	

¹ Two witnesses to all signatures.

FORM D.—*Affidavit of lessee, proof of bonus, and no development.*

(Must in all cases be properly executed and accompany lease when filed.)

STATE OF _____, *County of* _____, *ss:*

I, _____ of _____, being first duly sworn according to law, state upon oath that I am the lessee or the duly authorized agent of the lessee in a lease between the Osage Tribe of Indians and _____, for _____ mining purposes covering the following described land in the Osage Reservation, Oklahoma: _____ that I know of my own personal knowledge that the lessee is not engaged in the transportation of oil except as incidental to any refining or production of oil by lessee; that the only amount to be paid for the execution of said lease, directly or indirectly, by the lessee to _____, or any one for him, is \$_____, of which \$_____ has been paid to _____, and \$_____ payable on _____; that there have been no mining operations of any kind whatsoever by the lessee or any one for him upon the premises included in the above-described lease; and that said lease will be completed under the regulations of the Secretary of the Interior without unnecessary delay.

Sworn and subscribed to before me this _____ day of _____, 19—.

[L. s.]

Notary Public.

My commission expires _____

CERTIFICATE OF INDIAN SERVICE OFFICER.

I, _____, hereby certify that the above statement is true and correct; that I have received \$_____ from _____ as bonus consideration for the execution of said lease, which amount has been taken up in my official accounts for the _____ quarter, fiscal year 19—, and that there is still due on said bonus consideration \$_____ payable on _____, which I will take up in my official accounts when received.

(Official title.)*Amendment to Osage leasing regulations.*

Section 13 of the regulations approved July 3, 1912, to govern the leasing of lands in the Osage Reservation, Okla., for oil and gas mining purposes, is hereby amended to read as follows:

"13. Leases or assignments of leases to any individual, firm, or corporation engaged in the business of transporting oil or gas will be approved only with the understanding and provision that no rights, claims, or equities, as against future action by or under authority of Congress, respecting oil or gas pipe line companies, shall be predicated upon such approval, which provision shall be stated in the instrument or in the approval thereof.

"Lessees or assignees shall furnish with each lease or assignment an affidavit on Form D, which shall state specifically whether he, it, or they are engaged in the business of transporting oil, and what, if any, consideration has been paid by such lessee or on his behalf, and to whom, for the execution of the lease."

Form D—Affidavit of lessee or assignee, proof of bonus, and no development—is hereby amended so as to read:

State of _____, *County of* _____, *ss:*

I, _____, of _____, being first duly sworn according to law, state upon oath that I am the lessee (or assignee) or the duly authorized agent of the lessee (or assignee of) a lease between the Osage Tribe of Indians and _____, for oil and gas mining purposes covering the following described land in the Osage Reservation, Oklahoma: _____, that I know of my own personal knowledge that the _____ is _____ lessee (or assignee) is not engaged in the transportation of oil; that the only amount to be paid for the execution of said lease, directly or indirectly, by the lessee to _____, or anyone for him, is \$_____, of which \$_____ has been paid to _____ and \$_____ payable on _____; that there have been no mining operations of any kind whatsoever by the lessee or anyone for him upon the premises included in the above-described lease; and that the said lease will be completed under the regulations of the Secretary of the Interior without unnecessary delay.

Sworn and subscribed to before me this _____ day of _____, 19—.

[L. s.]

Notary Public.

My commission expires _____.

CERTIFICATE OF INDIAN SERVICE OFFICER.

I, _____, hereby certify that the above statement is true and correct; that I have received \$_____ from _____ as bonus consideration for the execution of said lease, which amount has been taken up in my official accounts for the _____ quarter, fiscal year 19____, and that there is still due on said bonus consideration \$_____ payable on _____, which I will take up in my official accounts when received.

(Official title.)

NOTE.—When this form is furnished with an assignment, strike out part not applicable to assignment.

F. H. ABBOTT,
Acting Commissioner.

Approved, January 9, 1913.

SAMUEL ADAMS,
First Assistant Secretary.

FORM E.—*Evidence showing authority of officers to execute leases, bonds, and accompanying papers.*

Whereas _____ is the duly elected, qualified, and acting _____ president of _____, a corporation duly organized and existing under the laws of _____, and

Whereas _____ is the duly elected, qualified, and acting _____ secretary of said corporation, and

Whereas both the said persons were _____ president and _____ secretary, respectively, on the _____ day of _____, 19____, at which time they executed an oil and gas mining lease with the Osage Tribe of Indians covering certain lands in the Osage Reservation, Okla.

Now, therefore, I, the undersigned _____ of said corporation, do solemnly swear that the mining lease mentioned above was duly and regularly entered into by the officers of said corporation named, by and under the authority of the board of directors of said corporation, and in accordance with the by-laws thereof; and further that said officers were duly authorized and empowered on behalf of the corporation named to execute any and all bonds, applications, or other papers required in connection with said mining lease.

I further certify that the action of said officers in executing the papers mentioned on behalf of said corporation, binds said corporation to a full and complete performance of any and all obligations contained therein.

Dated at _____, this _____ day of _____, 19____.

[CORPORATE SEAL.]

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public.

My commission expires _____

NOTE.—To be executed by secretary or president—secretary in all cases where possible—and in every case to have corporate seal affixed.

FORM F.—*Assignment of oil and gas mining lease.*

[Must be executed in quadruplicate.]

Whereas the Secretary of the Interior has heretofore approved an oil and gas mining lease, dated _____, 19____, entered into by and between the Osage tribe of Indians, lessor, and _____, lessee, covering the following-described land in the Osage Reservation, Oklahoma: _____.

Now, therefore, for and in consideration of the sum of _____ dollars (\$_____), the receipt of which is hereby acknowledged, the said _____, the lessee in the above-described lease, hereby bargains, sells, transfers, assigns, and conveys _____ right, title, and interest of the lessee in and to said lease, subject to the approval of the Secretary of the Interior, to _____.

In witness whereof the said lessee has hereunto set — hand and seal this _____ day of _____, 19____.

ACKNOWLEDGMENT OF INDIVIDUALS.

STATE OF _____, County of _____, ss:

Be it remember that on this day came before me, the undersigned _____, within and for the _____, duly commissioned and acting as such _____, to me personally well known, and stated that _____ executed the foregoing and annexed instrument for the consideration and purposes therein mentioned and set forth; and I do hereby so certify.

Witness my hand and seal as such _____ on this _____ day of _____, 19____.

My commission expires _____.

ACKNOWLEDGMENT OF CORPORATION.

STATE OF _____, County of _____, ss:

On this _____ day of _____, A. D. 19____, before me, a _____ within and for the _____ and _____ aforesaid, personally appeared _____ and _____, to me personally known, who, being by me duly sworn, did each say that _____ is the _____ president and _____ is the _____ secretary of _____, a corporation, and that the seal affixed to the foregoing and annexed instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said _____ and _____ duly acknowledged that they each had in their said official capacities executed the foregoing instrument as the act and deed of the said company for the consideration and purposes therein mentioned and set forth.

Witness my hand and official seal this _____ day of _____, 19____.

My commission expires _____.

ACCEPTANCE BY ASSIGNEE.

The assignee in the above and foregoing assignment, made subject to the approval of the Secretary of the Interior, hereby accepts such assignment and agrees to fulfill all the obligations, conditions, and stipulations in said described indenture of lease, when assigned, and the rules and regulations of the Secretary of the Interior, so far as applicable thereto, and to furnish proper bond guaranteeing a faithful compliance with said lease and this agreement.

In witness whereof the said assignee has hereunto set — hand and seal this _____ day of _____, 19____.

CONSENT OF SURETY.

The _____ of _____, surety for _____ on the bond accompanying the lease above described, hereby consents to the assignment and transfer of said lease as above made _____.

Dated at _____ this _____ day of _____, 19____.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., _____, 19____.

Approved.

Secretary.

NOTE.—If bond accompanying the original lease is to remain in full force and effect, it must be specifically so stated in the consent of the surety company. The consent of the surety company need only be executed on the original copy of the assignment.

KICKAPOO INDIANS
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

APRIL 17 AND 27, 1914

PART 13

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

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KICKAPOO INDIANS.

FRIDAY, APRIL 17, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in room 128, Senate Office Building, at 4 o'clock p. m.

Present: Senators Robinson (chairman), Lane, and Townsend; Representatives Stephens, Carter, and Burke.

The CHARMAN. Gentlemen, this meeting of the commission is convened to hear the statements of certain Indians purporting to represent the Kickapoo, including Joseph Murdock, Ah-kis-kuck, and Wah-nah-ke-tha.

On June 21, 1906, Congress passed an act removing all restrictions on allotments of the Kickapoo Indians in the following language:

All restrictions as to sale and incumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been, or are now, known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been allotted land in Oklahoma or Indian Territory, are hereby removed: *Provided*, That any such Indian allottee who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee. (34 Stat., 363.)

April 30, 1908, an act was passed appropriating, among other things, \$215,000 for the settlement of all claims of the Kickapoo Indians against the United States, to be paid in the manner directed by the council. The language of that appropriation is as follows:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of two hundred and fifteen thousand dollars, for the fulfillment of certain treaty obligations to the Mexican Kickapoo Indians for differences arising out of the stipulations of article four of the treaty of June twenty-eighth, eighteen hundred and sixty-two, and for all other differences growing out of any and all treaties and agreements heretofore made between said Indians and the United States. Said sum of two hundred and fifteen thousand dollars shall be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of said Mexican Kickapoo Tribe in council assembled. Such council shall be composed of a majority of those surviving members of said tribe, male and female, heretofore allotted in Oklahoma. The authorization above mentioned and the proceedings of said council shall be attested by a clerk of the United States District Court of the Territory of Arizona. Said sum shall be immediately available and the indorsement of the warrant issued in payment thereof shall be deemed and shall be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States. (35 Stat., 89.)

August 24, 1912, the following provision was also enacted:

The Secretary of the Treasury is hereby authorized to pay for the relief of the Kickapoo Indians in Mexico the sum of fifteen thousand dollars, to be expended in the payment of taxes, salary of farmers, maintenance and repairs of irrigation ditches, indebtedness for supplies already furnished, court costs, and obligations heretofore incurred in settlement of land titles, said sum to be paid to the treasurer of a corporation to be known as the Kickapoo Community of Mexico, to be organized under the laws of the State of Arizona; the organization of said corporation shall be authorized by a majority of the members of the said Mexican Kickapoo Indians now residing in the State of Sonora, in the Republic of Mexico, in council assembled.

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sent to the First National Bank of Douglas, Arizona, checks payable to the order of the individual Indian owners who are members of the band of Mexican Kickapoo Indians now resident in the Republic of Mexico, for and in the amount of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the first day of January, nineteen hundred and fourteen, and belonging to any of the said Mexican Kickapoo Indians.

Over the expenditure and disbursement of at least a portion of those funds appropriated by the sections of the statutes which I have read controversy has arisen. The contention is made that a part of the funds has been misappropriated, and especially with reference to the item of \$15,000 that no part of that fund has been applied to the purposes for which it was appropriated. In that connection a representative of the Indian Rights Association has filed a letter, addressed to the chairman of this joint commission, which is as follows:

Hon. JOE T. ROBINSON,

Chairman Joint Commission to Investigate Indian Affairs,

United States Senate.

APRIL 17, 1914.

SIR: It has been stated before the Committee on Indian Affairs of the Senate that an amendment will be offered, perhaps to-day, to the pending Indian appropriation act (H. R. 12579), which will affect the property or other interests of the Mexican Kickapoo Indians located in Oklahoma and the Republic of Mexico. Messrs. LaFollette, Clapp, and Ashurst form a subcommittee to consider this proposed amendment.

On the 15th instant I filed with the chairman of the Committee on Indian Affairs of the Senate a request that before action was taken by the committee on legislation affecting the interests of these Indians that the committee should call upon the honorable Commissioner of Indian Affairs to furnish that committee with a copy of records filed in his bureau relating to the former efforts to exploit these Indians and more especially to secure a copy of a statement made by Mr. Frank A. Thackery, formerly superintendent over the Mexican Kickapoo Indians in Oklahoma, dated December 31, 1913, and also a memorandum dated January 14, 1914, which set out in detail the various attempts to despoil these Indians. I inclose herewith a copy of the letter which I addressed to Chairman Ashurst as stated above.

The attempts to overreach the Mexican Kickapoo Indians in Oklahoma and Republic of Mexico cover a period of more than 10 years last past. It has cost the United States probably in excess of \$50,000 to protect their rights, in various forms of litigation in the criminal and civil courts of the land.

The Mexican Kickapoos are allotted very valuable lands in Oklahoma, and these lands form the bone of contention between the grafters and the Government.

The history of these efforts to defraud the Indians out of their heritage should be known to your commission, and that without delay, because I fear that another effort is brewing to exploit them in some form. The Indians in question need the protecting arm of the Government, else they will soon become paupers.

The official records show that Martin J. Bentley and W. S. Fields have been connected in various ways in these efforts to despoil the Indians, and the

history of these transactions should be known by you. To these official records I call your earnest attention. Supt. Thackery's reports already referred to them with citations of spoliation of the Indians.

I also urge that you secure a copy of the hearings before the conference committee on the Indian appropriation act pending during the month of August, 1912, at which hearings Supt. Thackery and Martin J. Bentley were heard, and their statements preserved by stenographic report as I understand it, which are filed in the office of the Commissioner of Indian Affairs.

I also request that you secure a copy of the letters on file in the office of the Commissioner of Indian Affairs addressed to me by Hon. John Embry, formerly United States district attorney for Oklahoma, which bear dates of July 18 and 25 and August 5 and 7, 1912. These letters expose the transactions of Martin J. Bentley and W. S. Fields in connection with the effort to despoil these Indians in no uncertain terms. Mr. Embry had charge of a large portion of the litigation which resulted in requiring the title to the allotted lands of the Indians, which had been rendered uncertain by manipulations of grafting lobbyists as stated therein.

Your attention is also called to the delegation of the Mexican Kickapoo Indians now in this city, and to statements they have made to the Commissioner of Indian Affairs.

In further reference to the pending effort to secure legislation, I inclose a copy of a letter from Miss Elizabeth Test, a missionary located among these Indians in Oklahoma, which she has written to Mr. E. M. Wistar, who has charge of the missionary work in Oklahoma for the Society of Friends. Miss Test states that the Mexican Kickapoos are alarmed by reason of recent alleged efforts on the part of Mr. Bentley and Mr. Fields to disturb them in their holdings in Oklahoma and to create an unrest among them.

The statements herein are based upon records referred to, and which will no doubt show a concerted effort to cause the Mexican Kickapoo Indians in Oklahoma to remove to the Mexican Republic.

Soliciting your early attention to this matter, I am,

Very respectfully, yours,

S. M. BROSIUS,

Agent Indian Rights Association.

Joseph Murdock was duly sworn by the chairman as interpreter.

Ah-kis-kuck and Wah-nah-ke-tha were duly sworn by the chairman through Interpreter Murdock,

TESTIMONY OF AH-KIS-KUCK.

(All questions and answers through Interpreter Murdock.)

The CHAIRMAN. What is your name and where do you live?

AH-KIS-KUCK. My name is Ah-kis-kuck; Musquiz, Mexico.

The CHAIRMAN. How did you happen to come to Washington, and what did you come for?

AH-KIS-KUCK. Because I don't think I am treated right.

The CHAIRMAN. Who is it that he thinks has not treated him right?

AH-KIS-KUCK. Field and Bentley.

The CHAIRMAN. Tell him to make such statement as he desires to make concerning the matter.

AH-KIS-KUCK. The money which the Government provided—we don't get nothing out of it; we don't get the benefit out of it at all.

The CHAIRMAN. What is his position in his tribe?

AH-KIS-KUCK. I am just looking after my tribe—for their interests.

The CHAIRMAN. Ask him if he was chosen with others as delegates to come here to Washington and present this matter.

AH-KIS-KUCK. We had our council, and they appointed me to come up here.

The CHAIRMAN. Who else was appointed?

AH-KIS-KUCK. This man right here [indicating Wah-nah-ke-tha].

The CHAIRMAN. How many Kickapoos are there in Mexico?

AH-KIS-KUCK. It is over 30.

The CHAIRMAN. Over 30 Kickapoos. Is that all?

Mr. MURDOCK. That is, allottees.

The CHAIRMAN. Ask him if he can tell what was done with that \$215,000 that was appropriated by Congress, to be divided among the Kickapoos, under date of August 30, 1908.

AH-KIS-KUCK. I don't know what was done with it at all.

The CHAIRMAN. Was it paid to the Kickapoo Indians, or any part of it, that he knows of?

AH-KIS-KUCK. That is all I know. They only got \$50, each Indian, out of that \$215,000.

The CHAIRMAN. \$50. Is that all you got?

AH-KIS-KUCK. Yes, sir; that is all I got.

Senator LANE. How many were there at the time that the money was to be divided among?

Mr. BENTLEY. If you will allow me to answer that, the number of Indians that this money went to is less than 100. There are probably 200 Kickapoos, but under the law it went to less than 100. There was never any payment made; it was not so intended—

The CHAIRMAN. Do you know how many Kickapoo Indians there are in Mexico all told?

AH-KIS-KUCK. No, sir.

The CHAIRMAN. Of course, you don't know how many of them have received homes out of this appropriation of \$215,000?

AH-KIS-KUCK. No, sir.

The CHAIRMAN. Do you know what was done with that \$215,000 that was appropriated last August for the benefit of the Kickapoo Indians in Mexico?

AH-KIS-KUCK. No, sir; I don't know anything about it.

The CHAIRMAN. Is there anything that anyone else wishes to ask him?

Senator TOWNSEND. I wanted to ask him something. Have you had any land bought with this \$215,000?

AH-KIS-KUCK. No, sir; I don't know anything about it. They never told me it was mine.

Senator TOWNSEND. Do you own any land?

AH-KIS-KUCK. Yes, sir; I have an old allotment. That is in Oklahoma.

Senator TOWNSEND. Where do you live now?

AH-KIS-KUCK. In old Mexico—Muzquiz.

Senator TOWNSEND. What do you do?

AH-KIS-KUCK. I just live there.

Senator TOWNSEND. Whose land are you living on?

AH-KIS-KUCK. It belongs to old Mexico—

Senator TOWNSEND. Does it belong to the tribe of 30 Indians that are down there?

AH-KIS-KUCK. The Kickapoos—they always lived there in old Mexico.

Senator TOWNSEND. What is done with the land you own in Oklahoma?

AH-KIS-KUCK. It is still there in Oklahoma.

Senator TOWNSEND. Do you get any rent from it, or any money from it?

AH-KIS-KUCK. Yes, sir; I rent it.

Senator TOWNSEND. What do you get for it?

AH-KIS-KUCK. \$200 a year.

Senator TOWNSEND. Who pays you the money?

AH-KIS-KUCK. The Indian agent.

Senator TOWNSEND. What Indian agent?

Mr. MURDOCK (after a pause). He don't know.

Mr. BURKE. Where were you when you got your money?

AH-KIS-KUCK. Shawnee, Okla.

Senator TOWNSEND. Do you go to Shawnee, Okla., to get your money?

AH-KIS-KUCK. Yes, sir.

Senator TOWNSEND. Does he go there every year?

AH-KIS-KUCK. No, sir.

Senator TOWNSEND. How does he get his money, then? That is what I want to know—how he gets the money that he receives from the rent of his land in Oklahoma.

AH-KIS-KUCK. The Indian agent.

Senator TOWNSEND. What Indian agent?

AH-KIS-KUCK. I can not think of his name.

Senator TOWNSEND. Does he live in Oklahoma, the Indian agent he is talking about?

AH-KIS-KUCK. South of Shawnee.

Senator LANE. It is the Indian agent at Shawnee, whoever he is?

Senator TOWNSEND. I want to ask you again, do you get this \$200 every year?

AH-KIS-KUCK. Yes, sir.

Senator TOWNSEND. Do you go up there every year to get your money?

AH-KIS-KUCK. No, sir.

Senator TOWNSEND. How do you get your money when you don't go up there?

AH-KIS-KUCK. They just leave it there at the Indian agent's office.

Senator TOWNSEND. Your money remains at the Indian office?

AH-KIS-KUCK. Yes, sir; that is where it is.

Senator TOWNSEND. Have you any money there now?

AH-KIS-KUCK. No, sir; I drew it all.

Senator TOWNSEND. When did you draw it all?

AH-KIS-KUCK. That was last month.

Senator TOWNSEND. Did you get all that was due you then?

AH-KIS-KUCK. Yes, sir.

Senator TOWNSEND. How much?

AH-KIS-KUCK. It was over \$700.

The CHAIRMAN. That money that he had been getting there had nothing to do with this appropriation, had it?

Senator TOWNSEND. Not particularly. There is an item in the bill about the payment of rent that I was trying to get at. It was brought up in committee.

Senator LANE. How many day's travel is it from where he lives in Mexico to this place where the agent is—Shawnee? How long does it take him to go there with a horse?

Mr. MURDOCK. From Shawnee to old Mexico? He goes by rail. It would take about a year and a half.

Representative STEPHENS. It is more than a thousand miles?

Mr. BURKE. It is 125 miles south of El Paso.

Senator TOWNSEND. Now, the committee would like to know what this man has to say about the conduct of his affairs or his tribe's affairs, bearing on the charge that they have been treated badly, as he says, by Field and Bentley. Do you claim that there is any rent due you that you have not received?

AH-KIS-KUCK. That is what I come here for. I want to ask the Commissioner of Indian Affairs to protect my own people. I want Mr. Field or any other to have nothing to do with our lands or funds. That is what I come here for.

Senator TOWNSEND. Has Field or Bentley any money or funds that belong to you or to your tribe?

AH-KIS-KUCK. It seems to me that they want to control all our lands and funds.

Senator TOWNSEND. Do you claim that there is any money due you that you have not received?

AH-KIS-KUCK. Yes, sir.

Senator TOWNSEND. Is that all he said?

Mr. MURDOCK. He said, "Not myself. There is several others—Indians."

Senator TOWNSEND. Do Bentley and Field have money that belongs to you and the other members of the tribe?

AH-KIS-KUCK. That is all we know. We know that Field or Bentley controls all the money which they have.

The CHAIRMAN. Under the act of April 30, 1908, the appropriation of \$215,000 was authorized to be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of the Mexican Kickapoo Tribe in council assembled. Now, it appears that they took some action, and under the action of that council a part of the fund of \$215,000 going to the Mexican Kickapoos—which appears in some way to have been arrived at as a little less than \$100,000; \$98,000, according to the memorandum which I have before me—was turned over to Mr. Bentley as trustee for the Mexican Kickapoos and to Frank A. Thackery as trustee for the Oklahoma Kickapoos. The part of the fund that was approved to go to the Mexican Kickapoos was paid over to Mr. Bentley as trustee, and the part that was paid over to the Oklahoma Kickapoos was delivered to Mr. Thackery as trustee for the Oklahoma Kickapoos. Of course it does not appear from the record yet, but probably that action was based upon the tribal action of the Kickapoo Indians. What they now appear to complain of is that they have not received the benefit of the fund that was paid over to these trustees, and that Mr. Bentley as trustee has not accounted for this fund or the \$15,000 fund.

Senator TOWNSEND. That is the way I understand it, but I was trying to get from this Indian anything that he knew about it.

Have you received any money from Mr. Bentley or from anybody else, outside of the rent for your place in Oklahoma?

AH-KIS-KUCK. At the time when I was at Douglas, Ariz., I only got \$50 from Mr. Field. That is all I ever got from him.

Senator TOWNSEND. Did any of the other Indians down there get any money from Mr. Field or Mr. Bentley?

AH-KIS-KUCK. That is all I know. They have got their lease money out of their own allotments.

Senator TOWNSEND. Was any of this money used to buy the land where you and the rest of the tribe are living?

AH-KIS-KUCK. No, sir; I don't know anything about that.

Senator TOWNSEND. Does this man represent all of the Kickapoo Indians in Mexico, or are there some down there who are in favor of Bentley and Field?

AH-KIS-KUCK. Just those who was in at Muzquiz.

The CHAIRMAN. He just represents them?

Mr. MURDOCK. Just represents those who are in at Muzquiz.

Senator TOWNSEND. How many of them are there?

AH-KIS-KUCK. It is over 30—allottees.

Senator TOWNSEND. How many Kickapoos are there down there that you do not represent?

AH-KIS-KUCK. I don't know how many there are.

Representative CARTER. Ask him if he lives in this village of Muzquiz, or does he live out in the country?

AH-KIS-KUCK. I live a way out west of Muzquiz, where the Kickapoo village is.

Representative CARTER. How many miles west of Muzquiz?

AH-KIS-KUCK. That is about 18 miles.

Representative CARTER. What do you do out there?

AH-KIS-KUCK. Farming.

Representative CARTER. Do you farm?

AH-KIS-KUCK. Yes, sir.

Representative CARTER. Whose land do you farm?

AH-KIS-KUCK. The Kickapoos always lived there in old Mexico.

Representative CARTER. Well, whom does the land belong to?

AH-KIS-KUCK. It belongs to the whole tribe of the Kickapoos. They always lived there.

Representative CARTER. All you do is to farm, is it? You do not do anything else?

AH-KIS-KUCK. That is all.

Representative CARTER. Is there any whisky out there on the reservation—or mescal?

AH-KIS-KUCK. There is lots of it in Muzquiz.

Representative CARTER. None on the reservation?

AH-KIS-KUCK. No, sir.

Representative CARTER. Ask him if they play any cards out on the reservation.

AH-KIS-KUCK. Not that I know of.

Representative CARTER. Do they play any "monte"?

AH-KIS-KUCK. No, sir.

Representative CARTER. They do not play any monte out there at all?

Mr. MURDOCK. No, sir.

Representative STEPHENS. Ask him if he knows Wah-pah-ho-ko, the chief of the Indians at Tomechopo in Sonora?

AH-KIS-KUCK. Yes, sir.

Representative STEPHENS. Did you go from Muzquiz over to Tomechopo with Wah-pah-ho-ko?

AH-KIS-KUCK. Yes, sir.

Representative STEPHENS. When did you go across there? Ask him if he went with the tribe when they all went over.

AH-KIS-KUCK. No, sir; I went with Mr. Field on this side.

Representative STEPHENS. He went on the railroad, did he?

AH-KIS-KUCK. He went on the railroad.

Representative STEPHENS. How long did he live down in Sonora at Tomechopo when he went there?

AH-KIS-KUCK. About seven years.

Representative STEPHENS. Ask him if he lived on a tract of land that was bought for the tribe at Tomechopo.

AH-KIS-KUCK. That is where I lived.

Representative STEPHENS. Ask him if Wah-pah-ho-ko was chief of the tribe living there on the farm.

AH-KIS-KUCK. Yes, sir.

Representative STEPHENS. What made you leave there and go back to Muzquiz? Did Wah-pah-ho-ko give you permission to go back to Muzquiz and leave the tribe?

AH-KIS-KUCK. Because Mr. Field—they don't treat us right about our lease money. Another thing, the land was not fit to farm.

Representative STEPHENS. When was it that he left there and went back to Muzquiz?

Mr. MURDOCK. I can not make him understand that.

Representative STEPHENS. Ask him if he did not get his money paid to him at Douglas as long as he stayed there with Wah-pah-ho-ko in Sonora.

AH-KIS-KUCK. No, sir; I don't know anything about that.

Representative STEPHENS. He does not know whether he got his money or not? Ask him if he went with the other Indians when they drew their money at Douglas.

AH-KIS-KUCK. No, sir.

Representative STEPHENS. Ask him if he knows why he did not get it.

Mr. MURDOCK. You mean lease money?

Representative STEPHENS. Yes; lease money or the other, either; any money.

AH-KIS-KUCK. Yes; I went over to Douglas with the whole tribe to get their lease money.

Representative STEPHENS. Ask him if they did not get money there; and if they did not, why they did not get it at Douglas when they went.

AH-KIS-KUCK. Field—it kind of seems to me he controls that money, and they kind of pay us a little at a time.

Representative STEPHENS. About how much?

AH-KIS-KUCK. I only received \$70 at once.

Representative STEPHENS. How many times did you get \$70 or any other sum?

AH-KIS-KUCK. I only got it twice—\$70.

Representative STEPHENS. What became of the \$50 that he said he got awhile ago?

AH-KIS-KUCK. I got that before I got the other money.

Representative STEPHENS. Ask him how many Indians left with him from Sonora or Douglas and went back to Muzquiz when he went back.

AH-KIS-KUCK. I never did count how many there were.

Representative STEPHENS. Ask him if Okemah and Wah-pah-ho-ko did not try to get him to stay with the tribe in Sonora.

AH-KIS-KUCK. No, sir; they never said anything to us.

Representative STEPHENS. Ask him if he does not have an interest in that land at Tomechopo now.

AH-KIS-KUCK. No, sir; not that I know of.

Representative STEPHENS. Ask him if he does not belong to that band of Indians of which Wah-pah-ho-ko is chief.

AH-KIS-KUCK. Yes, sir; that is my own tribe.

Representative STEPHENS. Ask him if he knows that the land belongs to the whole band of Indians.

AH-KIS-KUCK. I heard from Mexicans—they told me that that land belonged to Mr. Bentley, or Okemah.

The CHAIRMAN. Mr. Bentley, do you want to ask this witness anything?

Mr. BENTLEY. I do not believe I care to ask him any questions, but I should like to make a statement, either now or later.

The CHAIRMAN. We will hear your statement later.

TESTIMONY OF WAH-NAH-KE-THA.

(All questions and answers through Interpreter Murdock.)

The CHAIRMAN. Do you come from Mexico?

WAH-NAH-KE-THA. Yes.

The CHAIRMAN. How long have you lived in Mexico?

WAH-NAH-KE-THA. About 14 years.

The CHAIRMAN. Do you live in Muzquiz, too?

WAH-NAH-KE-THA. At Nacimiento.

The CHAIRMAN. How far is that from Muzquiz?

WAH-NAH-KE-THA. It is about 18 miles.

The CHAIRMAN. Did you ever live at Sonora with the tribe?

WAH-NAH-KE-THA. Yes, sir.

The CHAIRMAN. How long since you left there?

WAH-NAH-KE-THA. Two years ago.

The CHAIRMAN. Tell him that we would be glad to have him state what he wishes to say, and to hear his complaints. Just let him make a connected statement of it.

Mr. MURDOCK. I gave a statement here to-day what he came there for. He wants to show that to you—a statement that he made before the commissioner.

The CHAIRMAN. All right; let him go ahead. Has he a written statement?

Mr. MURDOCK. Yes.

The CHAIRMAN. Do you have a written statement?

WAH-NAH-KE-THA. That is what we come here for, to give this statement.

The CHAIRMAN. Who prepared this statement for you? Who wrote it?

WAH-NAH-KE-THA. They make this over at the commissioner's office.

The CHAIRMAN. Who translated this? Who was the interpreter then?

Mr. MURDOCK. I was the interpreter at that time.

The CHAIRMAN. Have you seen this statement? Have you read it?

Mr. MURDOCK. Yes, sir. I read it to them before they signed it.

The CHAIRMAN. Was it correct?

Mr. MURDOCK. Yes, sir; they said it was correct.

The CHAIRMAN. They say it is correct?

Mr. MURDOCK. That is what we want.

(The statement referred to was read in full, as follows:)

STATEMENTS OF JOSEPH MURDOCK, A MEMBER OF THE KICKAPOO TRIBE OF INDIANS, WHO RESIDES IN OKLAHOMA AND WHO REPRESENTS MEMBERS OF HIS TRIBE, AND AH-KIS-KUCK AND WAH-NAH-KE-THA, MEMBERS OF THE MEXICAN KICKAPOO TRIBE RESIDING IN COAHUILA, MEXICO.

[Mr. Murdock acted as interpreter for the above-mentioned Indians.]

The Indians Ah-kis-kuck and Wah-nah-ke-tha, from Coahuila, Mexico, represent themselves and 7 others who have returned from Mexico to the United States, as well as about 29 Kickapoo Indians remaining in Coahuila, Mexico, who have allotments of land in Oklahoma. They desire the protection of the United States. Including the 9 allottees who returned on April 1 of this year to Oklahoma, there are about 38 Kickapoo Indians in Coahuila, Mexico, who have allotments of land near Shawnee, Okla. These Mexican Kickapoos are now in Coahuila, which is about 125 miles southwest from Eagle Pass, Tex., said Eagle Pass being opposite Diaz, Mexico. They report these 38 Kickapoo allottees to be in very bad condition.

The Indians living in Coahuila are very desirous of having whatever lease money is due them paid to them without delay. It has been reported that it is difficult to reach Coahuila from Eagle Pass. This is not the case, since the trains are running quite regularly and there is no difficulty in going back and forth. I returned myself from Coahuila and reached Shawnee, Okla., on April 1 with the nine of the allottees who have been living in Coahuila.

These 38 Mexican Kickapoo Indians who have lived in Coahuila represent and claim that they have only received \$50 each out of the payment of \$215,000, which was appropriated for settlement of the Mexican Kickapoo claims April 30, 1906, and they also represent that each member of the tribe, as they believe, is entitled to about \$1,100, as their per capita share out of said appropriation of \$215,000, and they desire the help of the Government of the United States to secure this money from the parties who have it in charge, whom they believe to be Martin J. Bentley, W. S. Field, and Okema, who is a member of the Mexican Kickapoo Tribe residing in the State of Sonora, Mexico.

We also desire the committee of Congress and the Indian Office to investigate the payments made out of said appropriation of \$215,000 to the Kickapoo Indians residing in the State of Sonora, to see if they have been fairly dealt with and all of their moneys paid to them by said Bentley, Field, and Okema.

We understand that there was an appropriation of \$15,000 for the benefit of the Mexican Kickapoo in Mexico in the latter part of the year 1912. The Kickapoos in Coahuila state that they have received no portion whatever of this \$15,000 appropriation, and knew nothing about the appropriation being made until I informed them on my recent visit to Coahuila. They now ask that they be paid their share of this money.

These allottees, numbering about 38 in all, holding valuable lands in Oklahoma, who have been living in Coahuila, Mexico, insist that the United States shall protect them fully in all their rights to the lands in Oklahoma and the rents and profits derived therefrom, and to procure for them their rights to their share of the \$215,000 appropriation made by Congress and the subsequent appropriation of \$15,000 which I have mentioned before.

These Kickapoos tell me that they desire that Martin J. Bentley and W. S. Field, or any other person, shall have nothing more to do with their lands or funds, but that the Commissioner of Indian Affairs shall have full control of the same for their benefit.

It is understood that a company was organized to control the \$215,000 appropriation referred to, and that the chief persons in control of this organization were W. S. Field, together with O. A. Mitscher, formerly agent of the Osage

Indians in Oklahoma, together, possibly, with Martin J. Bentley and others unknown to us. It is our desire that this organization, or any other person or persons, as above stated, shall exercise no control of our property, but that the full control of our moneys and lands shall be exercised by the Commissioner of Indian Affairs, at Washington.

These Indians complain also that the American consul, who is located at Diaz, has urged the Mexican Kickapoos residing in Coahuila to return to Sonora, where they were formerly located, and stated to them that they would get no further aid nor money if they did not remove from Coahuila to Sonora. The tribe living in Coahuila state that under no conditions will they return to Sonora, which is 700 miles west of Coahuila; that they were not treated right while they formerly lived in Sonora; that the land is of very poor quality and they can not make a living there, and expect to continue to live in Coahuila.

The foregoing statement made by Joseph Murdock, a member of our tribe of Mexican Kickapoo Indians, has been interpreted to us and we fully agree in the statements made by him therein.

AH-KIS-KUCK (his X mark).

WAH-NA-KE-THA (his X mark).

I certify that I have fully and correctly interpreted the foregoing statement as made by me to Ah-kis-kuck and Wah-na-ke-tha, and that they say the statements made therein by me are true to the best of their knowledge and belief, and represent their wishes in the matter.

JOSEPH MURDOCK.

The CHAIRMAN. Did he ever answer my question about when he left Sonora and why he left there?

WAH-NAH-KE-THA. About two years ago.

The CHAIRMAN. If I understand you correctly, what you and the other representatives of your tribe who are here desire is an accounting of these two funds of \$215,000 appropriated in 1908 and of \$15,000 appropriated in 1912, and you think it is under the control of the parties whose names you have mentioned?

WAH-NAH-KE-THA. Yes, sir; that is what we came here for.

The CHAIRMAN. And you also desire that it be taken out of the hands of the present trustee and administered by the Government direct? Ask him that question.

WAH-NAH-KE-THA. That is what we came here for—to have the commissioner or the Government protect our rights; to handle it any way they want.

The CHAIRMAN. Do you know how that \$215,000 fund has been expended?

WAH-NAH-KE-THA. No, sir; I do not.

The CHAIRMAN. What effort have you made to find out?

WAH-NAH-KE-THA. That is what I come here for to the commissioner, to have him investigate it—that fund.

The CHAIRMAN. Have you received any moneys since you have been living in Coahuila from either of these two funds?

WAH-NAH-KE-THA. No, sir.

The CHAIRMAN. Have you an allotment in Oklahoma?

WAH-NAH-KE-THA. Yes, sir.

The CHAIRMAN. Do you get any rent from that allotment?

WAH-NAH-KE-THA. No, sir.

The CHAIRMAN. Have you received any rent or lease money from your allotment since you went to Mexico?

WAH-NAH-KE-THA. No, sir.

The CHAIRMAN. Do you still own your allotment up there?

WAH-NAH-KE-THA. Yes, sir.

The CHAIRMAN. Who is using it? Who is on it?

WAH-NAH-KE-THA. I don't know who is using it. I don't get the benefit of it the last several years.

The CHAIRMAN. Ask him how long it has been since he got some benefit out of it.

WAH-NAH-KE-THA. That is about 10 years.

TESTIMONY OF JOSEPH MURDOCK.

Senator TOWNSEND. Do you live in Oklahoma?

Mr. MURDOCK. Yes, sir.

Senator TOWNSEND. Have you been down there at Muzquiz?

Mr. MURDOCK. Yes, sir.

Senator TOWNSEND. Do you know anything about the conditions down there?

Mr. MURDOCK. Of course; I was down there, you know.

Senator TOWNSEND. How long were you down there?

Mr. MURDOCK. About two weeks.

Senator TOWNSEND. When?

Mr. MURDOCK. I got back to Shawnee the 1st of April.

Senator TOWNSEND. Is that the only time you have been down there?

Mr. MURDOCK. I was there before.

Senator TOWNSEND. Do you know anything about these matters that these men have been talking about?

Mr. MURDOCK. Not very much; just what they tell me.

Senator LANE. What do you know about his allotment up in Oklahoma? Do you know where it is?

Mr. MURDOCK. I can state it as near as I know about these allotments.

Senator LANE. This man's allotment?

Mr. MURDOCK. Yes, sir. There was an act of Congress, in 1906 I think it was, to have the Kickapoos—to have their restrictions removed; at least one of them and several others; I can't recall their names. It seems that that time they claimed a fellow named Chapman deeded these lands.

The CHAIRMAN. Had a deed from him to these lands?

Mr. MURDOCK. And since that time, you know, they don't get any rent out of it.

Senator LANE. Did he sell it to Chapman?

Mr. MURDOCK. No; I don't think so. He claimed he did not sign any deed.

Senator LANE. Somebody took it away from him? Is that what he means?

Mr. MURDOCK. Yes; that is what he told me, you know. Of course I been here to interpret for the other Indians. He hired a lawyer to get these lands for him.

Senator LANE. Did he get it back?

Mr. MURDOCK. He got it back all right.

Senator LANE. This man then has his lands back again, has he?

Mr. MURDOCK. Yes.

Senator LANE. What kind of land is it?

Mr. MURDOCK. It is just right in between, you know. They tried to sell it.

Senator LANE. Is it worth anything?

Mr. MURDOCK. These lawyers tried to get \$40,000 for it, and they only offered \$15,000. They wanted to get \$40,000 for it.

Senator LANE. Are there any houses built on it?

Mr. MURDOCK. They built a Catholic church right on the southeast corner.

The CHAIRMAN. Did you ever make a deed to your allotment in Oklahoma?

WAH-NAH-KE-THA. No, sir.

The CHAIRMAN. Did you bring a suit about it through your lawyer?

WAH-NAH-KE-THA. Yes, sir.

The CHAIRMAN. And you won your land back?

WAH-NAH-KE-THA. Yes, sir.

The CHAIRMAN. And you still own that land?

WAH-NAH-KE-THA. Yes, sir.

The CHAIRMAN. What was the name of that man who turned up claiming that he had a deed from you?

Mr. MURDOCK. He says Chapman. He don't say it plain, you know.

The CHAIRMAN. What is the name and address of his attorney in that case? This man's attorney?

WAH-NAH-KE-THA. His name is Mark Goode.

The CHAIRMAN. Where does he live?

WAH-NAH-KE-THA. In Shawnee.

The CHAIRMAN (addressing Mr. Layne, of the Indian Office). Have you a record in your office of this particular case?

Mr. LAYNE. I think the record will show something about it.

The CHAIRMAN. Will you look through the record and send down here at your earliest convenience whatever you can find in the record?

Mr. LAYNE. Yes, sir.

Senator LANE. What I am interested in is finding out why, if he has land in town of the value of several thousand dollars, he gets no income from it.

Mr. BENTLEY. His name was deliberately forged to a deed. They filed a deed of record and took possession of the land and put him out of it and then litigated it. But in that locality they are so desperately against the Indians that notwithstanding he got judgment against the man for \$15,000 the land was put up and sold. Of course he bought it in and gave his attorney a third of it for recovering it.

The CHAIRMAN. What was the basis of the judgment?

Mr. BENTLEY. The man who forged his name to the deed also forged it to a contract wherein he was to recover the land for him when it had not been taken away from him even, and for that service—

The CHAIRMAN. The court found it was a forgery, did it?

Mr. BENTLEY. Yes, sir; witnesses came up from Muzquiz who, it was proved, had forged other deeds; but notwithstanding the testimony to my mind was clear, the court turned him down and decreed the land to the other man.

Senator LANE. Does he own any part of it now?

MR. BENTLEY. No, sir; I do not think so. I do not know just what the status of it is, but I think he has been figured out of it.

The CHAIRMAN. They sold his land to satisfy the creditor, and the judgment creditor bought the land in, and he still thinks he owns the land. If he is under that impression, I think that investigation can proceed without further delaying this hearing.

Did you get any money out of this \$215,000 or out of this \$15,000?

WAH-NAH-KE-THA. I received \$50 out of that \$215,000.

The CHAIRMAN. When did he get that and who paid it to him?

WAH-NAH-KE-THA. Bentley.

The CHAIRMAN. When did he pay it to him, and where?

WAH-NAH-KE-THA. About five or six years ago.

The CHAIRMAN. Where was he when Bentley paid him this \$50?

WAH-NAH-KE-THA. At Tomechopo.

Representative BURKE. How much money did it cost you to come up here to Washington on this trip?

WAH-NAH-KE-THA. Not over \$30 for fare.

Representative BURKE. Who gave you the money to come here?

WAH-NAH-KE-THA. We got this from the Indian tribe.

Representative BURKE. That is, the other Indians contributed to raise the money to pay the expenses of these two?

MR. MURDOCK. Yes.

Representative BURKE. Now, I want to ask you a question. Did they come from Muzquiz with you when you came?

MR. MURDOCK. Yes, sir.

Representative BURKE. How many more came?

MR. MURDOCK. There was about nine altogether, you know; that is, allottees.

Representative BURKE. The other seven stopped in Oklahoma?

MR. MURDOCK. They were there when we left.

Representative BURKE. What did you go down to Mexico for?

MR. MURDOCK. Just on a visit.

Representative BURKE. Did you ask these people to come with you?

MR. MURDOCK. No, sir; I never asked them.

Representative BURKE. Did they have a conference or council while you were there?

MR. MURDOCK. I just heard they had a council, but I did not go over there.

Representative BURKE. You do not know anything about that?

MR. MURDOCK. No, sir.

Representative BURKE. When did you first find out these two men were coming to Washington?

MR. MURDOCK. Just about the day before I left I heard they were sending these two men to come up here to Washington.

Representative BURKE. Were you coming to Washington on your own account at this time?

MR. MURDOCK. On this trip?

Representative BURKE. Yes; were you coming to Washington? How did you happen to come to Washington?

MR. MURDOCK. Oh, they wanted me to come here to interpret for them.

Representative BURKE. When did they ask you, and where?

MR. MURDOCK. At the time they had a council over in Old Mexico.

Representative BURKE. You were there at the council?

Mr. MURDOCK. No; I was not there. I was not over there at the time they had the council.

Representative BURKE. How did they ask you to come at that time, if you were not there?

Mr. MURDOCK. They sent this man here [indicating]. They told me. "All these Indians want to have you to interpret for us up to Washington." That is before I know it.

Representative BURKE. And wanted you to come?

Mr. MURDOCK. They wanted me to interpret for them.

Representative BURKE. And did they pay your expenses to come here?

Mr. MURDOCK. Yes, sir.

Representative BURKE. From Mexico or from Oklahoma?

Mr. MURDOCK. From Oklahoma.

Representative BURKE. Did they pay you anything more than your expenses?

Mr. MURDOCK. No, sir. I didn't ask.

Representative BURKE. You are not related to these men, are you?

Mr. MURDOCK (indicating Ah-kis-kuck). This here is my half brother right here.

Representative BURKE. Is he any relation of this one over here?

Mr. MURDOCK. No, sir.

Representative BURKE. Do you have any information—I know you have not—as to how this \$15,000 has been expended? Have you looked it up?

Mr. MURDOCK. Their share?

Representative BURKE. Nothing about their share. There was \$15,000 appropriated by the act of 1912, directed to be paid to the treasurer of the Kickapoo Community of Mexico, a corporation to be organized under the laws of the State of Arizona. Have you looked it up to see how that money was expended?

Mr. MURDOCK. No, sir; I have not.

Representative BURKE. You do not know whether it has been paid out or not?

Mr. MURDOCK. No, sir.

Representative STEPHENS. You know they had a large body of land down there in Sonora, don't you, at Tomechopo, on the Yaqui River?

Mr. MURDOCK. Yes, sir; I was out there.

Representative STEPHENS. How long did you stay down there?

Mr. MURDOCK. I was out there two or three days.

Representative STEPHENS. How long did you remain when you were there?

Mr. MURDOCK. Two or three days.

Representative STEPHENS. Who sent you down there, or what did you go for?

Mr. MURDOCK. Mr. Thackery—Frank A. Thackery, the Indian agent.

Representative STEPHENS. At what place? At Shawnee?

Mr. MURDOCK. At Shawnee, Okla.

Representative STEPHENS. He sent you down there to try to get part of those Mexican Kickapoo Indians out of Mexico?

Mr. MURDOCK. No, sir; they just sent me over there to tell these Indians to meet him at Douglas, Ariz., to pay their lease money.

Representative STEPHENS. Did not some of them go back to Oklahoma and leave Mexico?

Mr. MURDOCK. We have been going back and forth to visit each other.

Representative STEPHENS. How did these Indians come to go back to Muzquiz?

Mr. MURDOCK. I don't know.

Representative STEPHENS. How many of them went back to Muzquiz from Sonora?

Mr. MURDOCK. I don't know.

Representative STEPHENS. These two did, didn't they?

Mr. MURDOCK. I think they told here how many of them left, but I don't remember.

Representative STEPHENS. You were not with them when they went back?

Mr. MURDOCK. No, sir.

Representative STEPHENS. They don't own any land at Muzquiz, do they—in Coahuila?

Mr. MURDOCK. I don't know whether they have or not.

Representative STEPHENS. They have an interest, and so have you, in Sonora?

Mr. MURDOCK. No, sir; I have nothing to do with that.

Representative STEPHENS. These two men have, haven't they?

Mr. MURDOCK. Not that I know of; I don't know whether they have any interest in that land or not.

Representative STEPHENS. You have never gone to the Mexican Kickapoos?

Mr. MURDOCK. No, sir; none whatever.

Representative STEPHENS. You are an Oklahoma Kickapoo?

Mr. MURDOCK. Yes, sir.

Senator LANE. What kind of country is that down in Coahuila?

Mr. MURDOCK. Pretty good land, in the valley.

Senator LANE. They farm down there, do they?

Mr. MURDOCK. Yes, sir.

Senator LANE. The Indians down there make a living by farming?

Mr. MURDOCK. Yes, sir.

Representative BURKE. Have you seen the land about Sonora?

Mr. MURDOCK. Yes, sir.

Representative BURKE. Have you seen the land where the Kickapoos are living there in Sonora?

Mr. MURDOCK. Yes, sir.

Representative BURKE. How does the land compare there with the land where these Indians are now located?

Mr. MURDOCK. Well, it is about 80 acres of it—that is, farming land. That is all that was in there. Of course I have been over it, you know. There was about 25 or 30 families, you know. They had only about as long as this building, 10 or 12 rows; each family—some of them, you know. There are so many of them they can't farm very much.

Representative BURKE. What kind of land is it?

Mr. MURDOCK. Pretty fair land; just 80 acres of it.

Representative BURKE. Is that the land Mr. Bentley purchased for these Indians, or is said to have purchased for them?

Mr. MURDOCK. I don't know.

Senator LANE. Who pays out the funds for the irrigation of the lands down in Mexico?

Mr. MURDOCK. I don't know anything about that.

Representative STEPHENS. Do you know John Gostin?

Mr. MURDOCK. Yes, sir.

Representative STEPHENS. Isn't he in charge of those Indians in Sonora?

Mr. MURDOCK. No, sir; I don't know anything about that.

Representative STEPHENS. You only stayed there two or three days at a time, and were there three or four times? You were sent down there by Mr. Thackery?

Mr. MURDOCK. Yes, sir.

Representative STEPHENS. Mr. Buntyn is the agent now? Mr. Thackery is not there at Shawnee?

Mr. MURDOCK. Mr. Thackery is not there now.

Representative STEPHENS. Mr. Buntyn is the agent at present?

Mr. MURDOCK. Yes, sir.

Representative STEPHENS. Did he authorize you to come up here with these two Indians?

Mr. MURDOCK. No, sir.

Representative STEPHENS. How did you happen to come, then?

Mr. MURDOCK. The whole tribe; they held their council, you know. They decided for me to interpret for them up here with these two men.

Representative STEPHENS. That council was held in Mexico, as you stated?

Mr. MURDOCK. Yes, sir.

TESTIMONY OF MARTIN J. BENTLEY.

The witness was duly sworn by the chairman.

The CHAIRMAN. You may state your name, residence, and occupation.

Mr. BENTLEY. Martin J. Bentley, Shawnee, Okla.; by profession I am an attorney.

The CHAIRMAN. Mr. Bentley, it appears that in 1908 appropriation was made by Congress of \$215,000 to carry out certain treaty provisions with the Kickapoo Indians, and that legislation directed that this sum should be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of the Mexican Kickapoo Tribe in their council assembled. Subsequently, on August 24, 1912, another appropriation of \$15,000 was made to be expended in the payment of taxes, salary of farmers, maintenance and repair of irrigation ditches, indebtedness for supplies already furnished, court costs, and obligations heretofore incurred in settlement of land titles, said sums to be paid to the treasurer of a corporation to be known as the Kickapoo Community of Mexico, to be organized under the laws of the State of Arizona. The organization of such corporation was required to be authorized by a majority of the members of the Mexican Kickapoo Indians residing in the State of Sonora, in the Republic of Mexico, in council assembled.

I want to ask you what knowledge you have, first, of the \$215,000 fund and what disposition has been made of it?

Mr. BENTLEY. I will try to answer you briefly, but it takes a good deal of detail to explain.

Of the \$215,000 I drew \$86,276.94 and some odd cents, and that fund I am entirely accountable for. While I had a cotrustee—an Indian, a man that did not read or write—the whole responsibility for the disbursement of that sum rested upon me.

The Kickapoo Indians at that time were heavily in debt. I had supported them in the desert. I had moved them a thousand miles across the desert country, covering a period from May 6, 1907, to November 8 of that year, coming through those deserts. I fed them all that distance. I wintered them there in the desert. I borrowed money from anybody and everybody I could, even on this side, to keep them alive there. It was a very expensive place to winter. These debts had accrued. I had financed them some \$10,000 of my own money.

That element of the tribe who made me their trustee elected to remain in Mexico, and immediately following that I proceeded into the interior of Mexico and negotiated for a home for them, moved them to this locality, and there I bought and paid for and took absolute title to a piece of country about 6½ miles square, said to contain about 30,000 acres of land.

Representative STEPHENS. Was it on a stream?

Mr. BENTLEY. On the headwaters of the Yaqui River, a great big lasting mountain stream; and in the center of this reservation is a large basin—probably as fine land as I know of anywhere in the world.

Representative STEPHENS. How far is it from Bacerac?

Mr. BENTLEY. Six miles. It is the same valley extended, only a much wider country than at Bacerac.

After acquiring the land, the next thing was to provide water. This is a country where agriculture is not successful without irrigation. I employed an engineer, made a careful survey, planned a system of irrigation, and completed it. That required about four months' time, and a good deal of that time I employed as many as 70 Mexicans. The ditch was completed, and it is there to-day, and it will irrigate about 600 acres of land at this time, and there is where the Kickapoos raise their living.

The CHAIRMAN. When did you first become connected with this tribe of Indians?

Mr. BENTLEY. Away back in 1892 or 1893.

The CHAIRMAN. What amount of money did the tribe owe you when this appropriation of \$215,000 was made?

Mr. BENTLEY. About \$10,000.

The CHAIRMAN. Of what did that consist and what evidences of indebtedness did you have?

Mr. BENTLEY. Well, there had been an investigation by a subcommittee of the Senate into the whole affairs of the Kickapoos, and my account is filed there. That was just prior to receiving this appropriation, a few months before. At that time my accounts submitted to them, examined by them, and, I think, approved by them, showed that there was \$8,060 at that time due me from the tribe. That was prior to the appropriation, and of course, the expense of maintaining the Indians and continuing their care went on. Probably it was about \$10,000 when I received that money.

The CHAIRMAN. Have you any way of ascertaining just what they did owe you at the time you received this money?

Mr. BENTLEY. It would be approximately \$10,000. I submitted to the committee since a carefully itemized accounting.

The CHAIRMAN. The Committee on Indian Affairs of the Senate?

Mr. BENTLEY. No, sir; the committee that was appointed to investigate the affairs of the Kickapoo Community?

Representative STEPHENS. Whom was that composed of?

Mr. BENTLEY. Senator La Follette, Senator Curtis, and Senator Teller.

The CHAIRMAN. When was that investigation made?

Mr. BENTLEY. That was in 1907.

The way I reported to that committee was this: They took a good deal of testimony—2,300 pages of that record. They went very thoroughly into all the affairs in great detail of the Kickapoos, covering all my period of service to them and the various things. And when the appropriation of \$215,000 was made I stated to the committee that if this appropriation was made I would account to them, if it came into my hands, for what I did with it.

The CHAIRMAN. You then prompted or promoted this appropriation of \$215,000?

Mr. BENTLEY. Yes, sir; it was a claim against the United States.

The CHAIRMAN. And you anticipated when the appropriation was made, and it was understood that in all probability you would handle it?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you give any bond when you took that sum of money?

Mr. BENTLEY. No, sir; absolutely nothing.

The CHAIRMAN. What was your financial condition then?

Mr. BENTLEY. Well, I suppose at that time my personal responsibility—I do not know that I could hardly approximate what it may have been. Somewhere in the neighborhood of \$30,000, maybe \$40,000.

The CHAIRMAN. Were you acting as the adviser of the Kickapoo Tribe of Indians when that appropriation was made and you received it as trustee?

Mr. BENTLEY. No, sir.

The CHAIRMAN. Who was their counsel or adviser at that time?

Mr. BENTLEY. There has been this relationship up to recently. For many years Mr. Field has been their attorney.

The CHAIRMAN. Is that the Mr. Field that is present?

Mr. BENTLEY. Yes, sir. And I have been their trustee. And while I have had charge of the Indians and their affairs, the legal part of part of it Mr. Field has looked after, and it has been the relation of trustee on my part and attorney on his part.

The CHAIRMAN. You received this fund of \$215,000 as trustee for the Indians?

Mr. BENTLEY. Oh, no; I only got a part—\$86,200 of it only.

The CHAIRMAN. That part, of course, that went to the trustee in Oklahoma you had nothing to do with?

Mr. BENTLEY. No, sir.

The CHAIRMAN. How much did you receive?

Mr. BENTLEY. \$86,000.

The CHAIRMAN. Exactly?

Mr. BENTLEY. In trust; yes, sir—\$86,200 and some odd.

The CHAIRMAN. When you received that \$86,000, what did you do with it?

Mr. BENTLEY. I deposited \$16,000 of it in the Riggs National Bank, of this city, and I took New York exchange.

The CHAIRMAN. How did you deposit that?

Mr. BENTLEY. I deposited that to my credit.

The CHAIRMAN. Individually?

Mr. BENTLEY. I think so. I am rather inclined to think it was "M. J. Bentley, agent," but I won't be certain.

The CHAIRMAN. Have you the record of the checks and the amount you kept in that bank?

Mr. BENTLEY. I think I have that yet. I think they have been preserved.

The CHAIRMAN. You deposited \$16,000 to your credit there individually or as agent?

Mr. BENTLEY. Yes, sir.

Senator LANE. Or as trustee?

Mr. BENTLEY. I won't be certain. It was the only money I had there. It was Indian money. Whether I deposited as trustee or not—my custom had been generally to deposit such moneys as "M. Jay Bentley" to distinguish that so it would not get mixed up. I would sometimes forget and write a check and leave the "agent" off, and my account leading up to that in a Texas bank I carried in that form.

The CHAIRMAN. In addition to this, what did you do with the other \$70,000?

Mr. BENTLEY. I took that in New York exchange and proceeded back to Mexico, beyond the border of Mexico, where the Indians were. I carried it in exchange for a long time.

The CHAIRMAN. How long?

Mr. BENTLEY. I could not tell you exactly. I paid for the land I bought for the Indians out of it.

The CHAIRMAN. To whom was that exchange made payable?

Mr. BENTLEY. To myself and Okemah.

The CHAIRMAN. Why did you put Okemah in?

Mr. BENTLEY. We were both elected trustees to draw the money.

The CHAIRMAN. Did you put this \$16,000 in the Riggs Bank to your and Okemah's credit?

Mr. BENTLEY. No.

The CHAIRMAN. Why did you not do that?

Mr. BENTLEY. Because the Indian can not sign his name, and I would have been inconvenienced in checking it out. I owed a lot of that money. The first money I drew of that account was money I owed in Washington.

The CHAIRMAN. You took the remaining \$70,000 of that trust fund in New York exchange payable to yourself and carried it for a long time?

Mr. BENTLEY. To myself and Okemah.

The CHAIRMAN. What was your idea in doing that?

Mr. BENTLEY. To make that plain, there had been one protracted, everlasting fight between the department and myself, the department ever interfering and trying to prevent these Indians from carrying

out their purpose of removing from the United States. I had been indicted, jailed, held up repeatedly, and I was afraid somebody would get some disgruntled Indian to attach the money or interfere after I had gotten the money. As a matter of fact, the plan was interfered with and I did not dare deposit it.

The CHAIRMAN. Did you get \$12,000 of that fund for fees?

Mr. BENTLEY. No part of that fund went to me for fees.

The CHAIRMAN. Now tell us what you did with that exchange for \$70,000?

Mr. BENTLEY. I carried that for a long time.

The CHAIRMAN. You mean in your pocket?

Mr. BENTLEY. No; I put it in a safety-deposit vault. I put it away. I paid for the reservation down there out of it. From time to time I deposited cash. It was in \$5,000 and \$10,000 pieces, and I deposited it from time to time as it was required to develop a system of irrigation and for other purposes.

The CHAIRMAN. Now, what I am trying to get at is your idea of the handling of that fund in that way. You carried it in \$5,000 and \$10,000 pieces. How many pieces of exchange did you have?

Mr. BENTLEY. I would hardly be able to say without looking at my books. I would say that there were probably five \$10,000 pieces and, my recollection is, four \$5,000 pieces. I won't be certain. It was divided for convenience.

The CHAIRMAN. Very well; go ahead.

Mr. BENTLEY. As to the last one of those drafts for \$10,000 a peculiar condition arose. These Indians who are here, because I would not pay over the money to them, notwithstanding I had supported them liberally—this man Ah-kis-kuck says he only got \$50, but I supported him and his family down there for all these years, and, of course, I paid for it out of their money, and to fence their reservation.

Finally a time came—these gentlemen became insurrectos. They went into collusion with a lawyer at Shawnee, and tried to have a receiver appointed to force me to pay over this money. I was satisfied the court was in with the people who had already robbed them of their land. At that time it had not been determined whether they would recover it or not.

The CHAIRMAN. Let me interrupt you right there. Don't you think you ought to have been required to give a bond for your execution of that trust, to handle that fund in the interest of the tribe that owned it?

Mr. BENTLEY. That was discussed a good deal.

The CHAIRMAN. You are a lawyer?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. How long had you been in the profession at that time?

Mr. BENTLEY. I was admitted to the bar 10 or 12 years ago.

The CHAIRMAN. Did you ever in your life, representing a client in any case, advise him to turn over a large sum of money to a man who had practically no estate, as you say you had none, without requiring a bond for the faithful execution of his trusteeship?

Mr. BENTLEY. Well, I can not say that I would give such advice, but, nevertheless, this money was turned over to me without bond,

and also those who elected me trustee, who drew a larger sum, and I have accounted for the money.

The CHAIRMAN. Have you filed an itemized statement of your disbursements of that fund?

Mr. BENTLEY. Yes, sir; I filed one with Senator Clapp and the subcommittee of the Senate Committee on Indian Affairs, and I filed one with Mr. Hannan, secretary to Senator La Follette.

The CHAIRMAN. Do you know whether he is a stockholder in the Kickapoo Community Co.?

Mr. BENTLEY. No, sir; I do not.

The CHAIRMAN. Do you know whether he is interested in it in any way?

Mr. BENTLEY. You mean the one that was organized recently?

The CHAIRMAN. Yes.

Mr. BENTLEY. The Arizona corporation? I am only advised as to that. My information is that Mr. Field and Mr. Mitscher and Mr. Gostin are the only white men who are trustees.

The CHAIRMAN. How much did you pay for that 6½ miles square of land?

Mr. FIELD. Mr. Bentley is mistaken about my being a member.

Mr. BENTLEY. Pardon me.; I guess I am incorrect in that. Mr. Field is attorney for the corporation. I will change my statement.

The CHAIRMAN. How much did you pay for that 6½ miles square of land that you bought with this trust fund?

Mr. BENTLEY. Well, Senator, the land and the things that went with it and the expense leading up to acquiring it—I would prefer to bring a statement showing exactly what it was.

The CHAIRMAN. I should prefer it, too.

Mr. BENTLEY. I should prefer to do that if you will permit me, because this was some years ago, and I might misstate it if I attempted to tell you the exact figures.

Senator TOWNSEND. About how much was it?

Mr. BENTLEY. The land itself cost about \$20,000.

The CHAIRMAN. What went with it?

Mr. BENTLEY. I carried the title to it for several years.

The CHAIRMAN. In whose name did you take that title?

Mr. BENTLEY. Myself and Okemah, who were the sole trustees.

The CHAIRMAN. And he got a copy of the deed that you took?

Mr. BENTLEY. No, sir. In Mexico the deed is written in the record.

Senator LANE. Did you take it as trustee?

Mr. BENTLEY. No, sir; it is a straight deed to Okemah and myself.

The CHAIRMAN. Why did you not take it as trustee?

Mr. BENTLEY. Because under the law of Mexico you can not.

At this period of the record I would like to offer a receipt from the treasurer of the present corporation; a receipt to me for that land.

(The receipt referred to is as follows:)

SHAWNEE, OKLA., August 13, 1913.

I hereby certify that Martin J. Bentley has this day delivered to me a deed conveying to the Kickapoo community of Mexico a tract of country now occupied by them in the State of Sonora, in the Republic of Mexico, the said tract being designated and generally known as Tamichopa, said to contain about twenty-eight thousand (28,000) acres.

O. A. MITSCHER,

Treasurer of the Kickapoo Community of Mexico.

Mr. BENTLEY. It was agreed here that I would do that, and I have done that.

The CHAIRMAN. Agreed where?

Mr. BENTLEY. Here in Washington.

The CHAIRMAN. When did you make this deed?

Mr. BENTLEY. It was understood here last year—

The CHAIRMAN. Understood by whom?

Mr. BENTLEY. By the conferees on the part of the Senate and House who had the matter in charge—the appropriation of \$42,000. It was cut down to \$15,000.

The CHAIRMAN. Did they require you during that conference to agree that you would make a deed to this property?

Mr. BENTLEY. I do not think so. I voluntarily suggested that if this money was provided—

The CHAIRMAN. Mr. Burke was a member of this conference?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you have an agreement with him and with Mr. Stephens, who was another member?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you have an agreement with them that you would make a deed to this property?

Mr. BENTLEY. If the appropriation was made.

The CHAIRMAN. You had that understanding then?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. You had then had title to this land for how long—you and Okemah?

Mr. BENTLEY. Oh, we had carried the title—we bought the land in 1908, and this was 1913 that we deeded it.

I want to explain, if you will permit me, why we carried it so long. Until Congress authorized this corporation to be formed there was no way I could divest myself of it. I did not want to carry that responsibility, but who could I deed it to? If I deeded it to these people individually some Mexican would have bought out some of them in a week. There seemingly was no way to get rid of it. The conferees suggested that idea.

Senator TOWNSEND. What would have happened if you had died?

Mr. BENTLEY. I had executed a declaration of trust, disclaiming absolutely any title whatever. Then I also executed another one. At the time of this conference the question arose. I have never at any time asserted any claim other than that the Kickapoos owed me.

Representative BURKE. Mr. Bentley, perhaps I can refresh your memory. As a matter of fact, at the time this conference you speak of took place you had that title in your name, had you not?

Mr. BENTLEY. Oh, surely I did; yes, sir.

Representative BURKE. And you said something about having executed a declaration, just as you said now, but as a matter of fact you were not able to tell where it was or who held it on anything about it. Is it not a fact now—to refresh your memory—that we insisted, before we consented to the appropriation of \$15,000, when you were trying to get some \$40,000 or \$50,000—

Mr. BENTLEY. \$42,000.

Representative BURKE (continuing). \$42,000, that you were to execute a declaration, and Senator Chamberlain drafted it, and it was to be deposited with the department?

Mr. BENTLEY. He was to draft it, and finally he would not, and I drafted it myself.

Representative BURKE. And it was to be deposited with the Secretary of the Interior?

Mr. BENTLEY. I think it was, but I deposited it with the clerk of the committee.

Representative BURKE. I understand. Your proposition was that you were to deposit it with Senator La Follette's clerk, Mr. Hannan, as I remember, and we insisted that it should be filed with the Secretary of the Interior. And, as to your making this voluntary assignment, is it not a fact that we insisted, before we would consent to any amount in conference, that you execute that declaration?

Mr. BENTLEY. That one in proper form should be executed; that is true. But at no time have I ever hesitated to execute anything showing that that land was only held in trust.

Representative BURKE. What can you say now as to what there was, if you had died before you executed that declaration, to show that you were holding that land in trust?

Mr. BENTLEY. There was an instrument in writing in Mr. Field's possession at that time. I am certain he has it yet.

Representative BURKE. Why was it not produced at that time?

Mr. BENTLEY. I am unable to say. Perhaps, it was in different form or more general than the one I did make.

The CHAIRMAN. We can not finish this evening, and, perhaps, we might as well adjourn now.

Representative BURKE. My impression is, if you will allow me to make a suggestion, that the principal thing that we have to deal with here is the \$15,000. This \$215,000 is gone.

The CHAIRMAN. Let me ask Mr. Bentley a few questions about that, and then we can recall him at our convenience.

What do you know about that \$15,000 fund?

Mr. BENTLEY. I had nothing to do in any way with the \$15,000.

The CHAIRMAN. You promoted its being appropriated?

Mr. BENTLEY. Yes, sir; I was very active in trying to get it.

The CHAIRMAN. Who is that Kickapoo community of Mexico, a corporation to be organized under the laws of Arizona?

Mr. BENTLEY. I understand that includes the whole Kickapoo community, every member of it, under a certain communal agreement, and that Mr. Mitscher and Mr. Gostin are the only white men who are connected with it. I am in no way connected with it.

Representative STEPHENS. What is the name of the corporation?

Mr. BENTLEY. The Kickapoo Community of Mexico, incorporated under the laws of Arizona.

The CHAIRMAN. Do you know whether or not it is still in business or whether it is bankrupt?

Mr. BENTLEY. Of course, I only know from hearsay.

The CHAIRMAN. Well, what do you hear about it?

Mr. BENTLEY. I heard it was formed, and I deeded this land over to it, and I saw a certificate of incorporation, which I was satisfied—

The CHAIRMAN. Who were the incorporators?

Mr. BENTLEY. I only know of them from hearsay, that Okema, the chief of the Indians, and several of the tribe, and these two white men were the incorporators for the others.

The CHAIRMAN. Who is Mr. Mitscher?

Mr. BENTLEY. Mr. Mitscher is a citizen of Oklahoma City, Okla.

Representative BURKE. Is he related to you or to Mr. Field?

Mr. BENTLEY. He is in no way related to me.

Representative BURKE. To Mr. Field?

Mr. BENTLEY. As to that, I could not say.

The CHAIRMAN. What is his interest in it?

Mr. BENTLEY. I could not tell you.

The CHAIRMAN. How did he come to be interested in a project down in Mexico?

Mr. BENTLEY. All I know is—

The CHAIRMAN. Do you know him personally?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you know that he was to be connected with that company before it was organized?

Mr. BENTLEY. I apprehended he would be.

The CHAIRMAN. Why?

Mr. BENTLEY. Because he had been president, or secretary, rather, of a Delaware trust company, and I had previously turned over part of the fund—the remainder of the Kickapoo fund—to that corporation, and I knew him in that way.

The CHAIRMAN. Do you know what became of that \$15,000?

Mr. BENTLEY. No, sir.

The CHAIRMAN. Have you received any part of it?

Mr. BENTLEY. No, sir; I do not know anything about it.

Senator TOWNSEND. Was Mr. Field attorney, you say, for you as trustee?

Mr. BENTLEY. No; he was attorney for the Kickapoos.

Senator TOWNSEND. Did you pay him out of this \$86,000?

Mr. BENTLEY. I think I paid him an attorney fee of \$3,000.

Senator TOWNSEND. Is that all you paid him?

Mr. BENTLEY. I am very certain that was all he was ever paid, and that covered several years of service.

Senator TOWNSEND. Was there any commission paid on that \$215,000 to anybody?

Mr. BENTLEY. You mean in the way of a fee?

Senator TOWNSEND. Yes.

Mr. BENTLEY. I received a fee out of the \$215,000, but not out of the \$86,000. The Oklahoma and the Mexican Indians together voted me a fee of $12\frac{1}{2}$ per cent.

Senator TOWNSEND. Twelve and one-half per cent of the—

Mr. BENTLEY. Of the \$215,000. That came out first, of course.

The CHAIRMAN. Well, I suppose the Mexican Kickapoos paid their pro rata share of it?

Mr. BENTLEY. That was taken out first, and then a division came.

Representative BURKE. He got $12\frac{1}{2}$ per cent on \$215,000.

The CHAIRMAN. That is about \$27,000.

Representative BURKE. That took \$27,000 from the \$215,000 that Mr. Bentley got.

Senator TOWNSEND. How did it happen that you got $12\frac{1}{2}$ per cent out of the money you did not handle?

Mr. BENTLEY. There were three warrants issued. The Kickapoos authorized one warrant to be paid as a fee. That was separate en-

tirely. Then the division was made according to the balance that was left.

Senator TOWNSEND. I still do not have your answer as to whether or not you should have received a commission on the money that Mr. Thackery—

Mr. BENTLEY. I got it before I had this claim. Here was a disputed claim. I got this appropriation through Congress for these Indians, and that represented 12 years of labor.

Senator TOWNSEND. You got the 12½ per cent for getting the amount allowed?

Mr. BENTLEY. Yes, sir.

Senator LANE. Attorney's fees?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Then you took the remainder of it in trust—took \$86,000 in trust—and gave no bond?

Mr. BENTLEY. No, sir; I gave no bond.

The CHAIRMAN. What have the Indians now to show for that \$98,579.79, or \$86,200, deducting their share, or approximately their share, of your fee of \$28,000?

Mr. BENTLEY. My fee did not come out of that. I got for them as trustee \$86,200.

The CHAIRMAN. I know; but if you had not taken that fee out you would have gotten still more for them as trustee.

Mr. BENTLEY. I did not take it out; pardon me. They voted that. I had nothing to do with the council.

The CHAIRMAN. I think that any lawyer would recognize that you were occupying a fiduciary relationship to them before you became their actual trustee; and for that reason, if their interests had been properly guarded, all of that money would not have been turned over to a financially irresponsible person without some security. Such a proceeding is absolutely unprecedented in the courts of any country. There is not a court in Christendom that would allow the turning over of \$100,000 to a financially irresponsible man without security.

Mr. BENTLEY. Well, Senator, if you knew all the conditions that existed at that time, you might perhaps modify your opinion. I think, because—

The CHAIRMAN. Maybe so.

Mr. BENTLEY. The Government was determined to destroy the Indians. Why, at that time and just previous to that the Commissioner of Indian Affairs was asking that these Indians be indicted on some ground in order that he might get them back. I have been indicted over and over and driven about like a dog over the country. Congress three times in succession passed legislation for the relief of those Kickapoos, and each time the Indian Office defeated, by indirection, the object of the law. We are being persecuted to-day.

The CHAIRMAN. That has nothing to do with your use of that fund. What I am trying to get at is how you handled that trust fund.

Mr. BENTLEY. I hope you will do me the justice to look into it fully.

The CHAIRMAN. The commission is going to do so.

Mr. BENTLEY. I have accounted for every dollar, and more, too.

The CHAIRMAN. Do you claim anything out of that \$15,000 fund?

Mr. BENTLEY. No, sir; nothing whatever.

The CHAIRMAN. Did you not say awhile ago that you had \$8,100 that you claimed?

Mr. BENTLEY. I stated to the committee that if they would appropriate that \$15,000 I would deed this land.

The CHAIRMAN. You had expected to get \$8,100 out of that fund, though?

Mr. BENTLEY. Not a penny to me. Here was a deed my friends were being sued for. I either had to protect it and pay it or let my friends lose it.

The CHAIRMAN. Their deed to whom?

Mr. BENTLEY. It came about in this way: Four Kickapoo Indians deeded their land to a man by the name of Ives, in Shawnee, Okla., on my advice, that it might be sold by him for them. He sold the land, the title failed, and he had to make good warranties. Later on, to protect 90 other allottees, it was necessary to find a defect in the law and defeat those four titles. He was in the position of a man who out of kindness had tried to favor the Indians and had taken this responsibility. I either had to protect him like a man and pay it or else let judgment be taken against him, and I could not do that, Senator, and be a man, and so I paid it.

The CHAIRMAN. So you paid that \$8,100?

Mr. BENTLEY. \$8,250.

The CHAIRMAN. That is what you expected to be reimbursed for out of this \$15,000?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Mr. Field, will you remain in town for some time?

Mr. FIELD. I live here, and will be here at any time.

Thereupon, at 6.15 o'clock p. m., the joint commission adjourned, to meet at the call of the chairman.

WASHINGTON, D. C., APRIL 27, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

FUNDS OF MEXICAN KICKAPOO INDIANS.

The joint commission met in room 128, Senate Office Building, at 8 o'clock p. m.

Present: Senators Robinson (chairman) and Townsend; Representatives Burke and Carter.

TESTIMONY OF MARTIN J. BENTLEY—Resumed.

The witness was reminded that he had been previously sworn.

The CHAIRMAN. Mr. Bentley, we shall be very glad to bear your statement, commencing with your connections with the Kickapoos, especially relating to the disposition of the fund of \$215,000, or that part of it that you received. In the hearing the other evening it was requested that you furnish the commission with an itemized statement of your disbursements of that fund. Are you prepared to do that now?

Mr. BENTLEY. Mr. Chairman, I am prepared this far. I am very thankful for the courtesy extended by the committee to give me an opportunity to begin at the beginning, and in view of your disposition to be liberal with me, as I feel, I wish to go over the matter in

rather an abstract way, to give you an idea in general of the whole situation. I shall do it as briefly as possible, and at the conclusion I will submit my papers, such as I have.

My connection with the Kickapoo Indians and real live acquaintance with them began in the winter of 1894 or 1895; I think it was 1894. At that time I was living at Shawnee, 40 or 50 miles inland in Oklahoma from the railroad. The Kickapoo Indians had been, as we called it, "forcibly allotted," and the "kicking" Kickapoos were very persistent in resisting any effort the Government might make to reconcile them to accept their land or to accept the money, \$211. They would have nothing to do with it. They were so prejudiced against the allotment that they even would not drive on a wagon road over land that had been allotted to them. If they had been starving to death, they would not have signed for provisions for fear they might be signing something that would be an acceptance. They at that time were wild and suspicious Indians.

Senator TOWNSEND. How many of the "kicking" Kickapoos were there as compared with the whole number?

Mr. BENTLEY. I think probably a little more than two-thirds were kickers.

The CHAIRMAN. Why were they called that?

Mr. BENTLEY. Because they kicked against the treaty: they kicked against the allotment. They were opposed to anything that the Government wanted them to do.

Perhaps, to illustrate to the committee why they were so strenuously opposed, I had better revert back a little further. They for a period of 50 years had been Mexicans, practically. They were nomadic. They occasionally made pilgrimages from Texas when it was a part of Mexico to Kansas.

I found in getting a translation of the Spanish archives from the State of Coahuila, which I paid for having translated, that they first presented themselves in Mexico soliciting a grant of land in 1824, representing that they were being oppressed by the Anglo-Saxons in the north, and they were at that time looking for a more secluded home. The correspondence is really very amusing. It is in great volume.

It was even said of them then that they gave promise of being industrious; they were very sociable, etc., but among the things that were found in the archives was this statement, that the alcalde to whom they presented their request for land reported to his superior officer that he thought the grant should be made because they would be a protection to the capital as against the other Indians who were so often hostile.

They returned, however, in about 1854—along there, from 1846 to 1854—and began living in the Indian Territory. All this time, of course, from about 1850 to that date they had land in Kansas, and they occasionally returned to it, but the country that became later known as the Mexico Kickapoo Reservation had been always their stopping place.

At the outbreak of the Civil War first the North appealed to them, and then the South. They were kept in a constant state of agitation. The Shawnees, who were their neighbors, had joined the northern forces. The Seminoles had divided; some had gone with the north-

ern and some with the Confederate forces. But the kickers naturally sought seclusion again by going back south where there was less trouble.

In the fall of 1862 about a thousand Kickapoos, with probably 3,000 horses, left the neighborhood of where Shawnee, Okla., now is and went into the plains of Texas. Mr. Tankersley, who is an old and respected citizen of Tom Green County, knows something of the history of the time they came there. He had known them a great many years, and he was friendly with them, and he says they had about 3,000 horses, and there were about 1,000 of them. He invited them to stay there. The Comanches and the Kiowas had been stealing his stock, and were a menace to the settlers out there.

They settled temporarily on the Little Concho River. About three days after that a company of Confederate cavalry approached. They inquired of Mr. Tankersley where the Kickapoos were. He said, "You needn't bother about them; they are friendly. They will be a protection to this settlement." The commander of the Confederate cavalry said, "Well, probably their horses will be more valuable to the Confederacy than their friendship," and they gave no further attention to Mr. Tankersley, but followed up the Indians along the Little Concho River.

Some northern general had told the Indians if they saw soldiers approaching anywhere to send forward a white flag. So when these Indians saw the Confederate cavalry approaching an old man with an old squaw on each side of him walked out on the plains with a white flag. Just as soon as they came within range all three were shot down, and the cavalry charged the camp. Sixteen of the cavalry were killed in a little bit, and the cavalry retreated. The Kickapoos, of course, supposed that Texas had declared war upon them, and they broke their camp and went across the Rio Grande into Mexico, at Boaquilles. They worked their way down the Santa Rosa Range to the place where the Mexican Kickapoo Indians now live—the old Kickapoos—at Nacimiento. The Mexicans found that the Kickapoos were shrewd, intelligent men: these men here are not fair examples of them.

They made frequent raids into Texas, never killing anybody if they could avoid it, but they stole horses and cattle. The cavalry would get after them, and they would simply cross the river where they could not be pursued. Finally Maj. MacKenzie, who was then stationed at Fort Brackett, became so exasperated by his frequent chasing of these people that he finally charged across the Rio Grande River and followed them 150 miles into the interior of Mexico, and killed a great many of them. A soldier of that command who lives here in Washington and is now employed in the Pension Bureau, or a guard there at the Indian Office—Mr. Weaver—says they went there to murder the whole outfit in order to put a stop to the Texans being harassed. He says he took the first prisoner—he is available as a witness. He says a squaw rose up out of the woods, and said, "Me squaw: don't kill me." He said he did not have the nerve to shoot her, and he did not, but any Indians who resisted force were murdered. Those who did not resist, some 150, were gathered up as prisoners and brought back and returned to this side of the river. However, most of the tribe were absent at this time. But the tepees

were burned, and all their property piled in great heaps and burned. They were brought back to Fort Brackett.

Of course families were divided. Maybe the mother and some of the children were taken away and others were left. They were all split to pieces. In many instances, perhaps, the mother remained but the father followed. They assembled there at Fort Brackett. That was in 1873.

In the fall of 1874 they were landed in what is now the Kickapoo country in Oklahoma, and there they were practically held as prisoners of war, or under guard at least, in a way, until 1904. They were allotted then, through a treaty they had never signed or had anything to do with, and became citizens of the United States—

Representative BURKE. Through a treaty? What do you mean?

Mr. BENTLEY. I mean this: The Gerome Commission, that was sent to treat with the Kickapoo Indians, deliberately paid a white man \$5,000 to forge their names to a treaty that was signed here at Washington and ratified. As showing that that was an absolute and complete forgery, I want to read briefly—as to the condition of those people at the time this commission went to treat with them—I wish you would read the annual report of the agent at that time.

The CHAIRMAN. This is from the report of the Secretary of the Interior, 1891.

Mr. BENTLEY. That gives the conditions and relates to the attempt to make a treaty.

Representative BURKE. He said there was not any treaty, and I want to find out what he meant. This explains why you said there was no treaty?

Mr. BENTLEY. Yes.

The CHAIRMAN (reading):

The past year, owing to the failure of crops from drought, they were almost in a condition of famine, several of them actually starving to death. On representation of the facts, I obtained authority to purchase for them seven months' rations out of the funds appropriated for the support of Kickapoos. After the provisions were purchased, they actually refused to enroll for the purpose of drawing the same, notwithstanding their starving condition, and the rations had to be sold. The cause of this was their fear that the enrollment might in some way serve to force an arbitrary allotment upon them.

It is extremely difficult to get them to accept any innovation into their customs and usages of living. Especially has it proven a tedious process in the case of allotments. The Cherokee Commission met this tribe in council twice in 1890 and once during the present year, at all of which councils the common result was reached—the Indians absolutely refusing to treat for the sale of the residue as surplus lands.

At the last meeting with them the argument was presented that they were situated on their present location merely by Executive order, a clemency that might at any time be revoked and the same power used to remove them to other lands; that they should take advantage of the present opportunity to secure permanent homes and a good competence arising from the sale of the surplus. To this they replied that the reservation was no larger than sufficient for their needs; that to become definitely located would be to destroy their visiting, feasts, and dances; that if they did not own the reservation, it would not be right to dispose of that which did not belong to them, and if it was theirs, they did not wish to sell. The commission could do nothing further with them, and here the negotiations for the present were ended.

In my opinion, these Indians will ultimately accept the propositions of the commissioners. They are by nature so suspicious that they are slow to comprehend meaning and grasp situation. But that the opening to settlement of the adjoining reservations already treated for and the influx of white settlers will illustrate the error of their present ways and show them that their old tribal relations and savage instincts are no longer best or tenable I feel confident.

Representative BURKE. What has that to do with their not having any treaty?

Mr. BENTLEY. I am going to show you now.

Representative BURKE. This refers to their refusal to sell their surplus lands?

Mr. BENTLEY. I will show you where it has a direct and positive bearing. That was the last time the Gerome Commission ever met with those Indians, and the agent—they went West, and he completed his annual report and sent it here, saying they absolutely refused to treat. He did not even know their names. The Government of the United States did not have the enrollment of them. Not for two or three years after that was an enrollment ever made with their consent.

Now, the commission found they could not treat with them; they would not sell their land. So they employed a white man, and paid him \$5,000 of their money to commit perjury; and it was he who put the names of 20 of them to an authorization authorizing himself and another man who could speak no English to come to Washington, and the treaty was made here in the office of the Secretary of the Interior. No Indian knew anything about it, and the man who was here did not know what he was signing.

Senator TOWNSEND. Who was that white man?

Mr. BENTLEY. The man who came with them? John T. Hill.

Senator TOWNSEND. He was the man who forged the names?

Mr. BENTLEY. Yes, sir. The Gerome Commission provided, or the forged treaty provided, that he should be paid \$5,000 for his services, and that is all the service he could have rendered.

Representative BURKE. What is the date of that treaty?

Mr. BENTLEY. It is the date of that annual report.

The CHAIRMAN. 1891?

Mr. BENTLEY. That was about the date of it.

The CHAIRMAN. This purports on its face to have been executed here.

Mr. BENTLEY. It was executed here on an authorization signed by 20 Indians down there, and those Indians never signed anything of the kind. This man Hill just simply put their names in it, and then he got some other person of like character to witness it. Mr. Field was in Oklahoma City when the delegation of Indians who are set forth to have signed it were there. He knows about it.

Why I bring this to the notice of the committee now is: These Indians have never been treated fairly by the Government of the United States. They have been arrested and harassed all their lives. In every treaty they have ever made they have been swindled. In that treaty the commission says they were never entitled to that land. They are entitled to 575,000 acres of land, yet they were told, "You are only here by sufferance." The Government owes them nearly \$2,000,000.

From the first I knew of them, and always, their life's dream has been to return to Mexico to be reunited with their children. The first Kickapoo Indian I ever talked with said to me—an old, decrepit man—"If I take my allotment, do you think it may in some way lead to my getting away from here? I love my wife and children; I was taken away from them in old Mexico. My children were babies then, but I understand now they have children of their own. I want

to go and see them. Can't you help me?" That is the first appeal a Kickapoo Indian ever made to me.

Senator TOWNSEND. When was that, Mr. Bentley?

Mr. BENTLEY. That was about the year 1892 or 1893.

Senator TOWNSEND. Where was your home at that time?

Mr. BENTLEY. My home was at Shawnee, Okla.

Senator TOWNSEND. How long did you live there?

Mr. BENTLEY. At Shawnee?

Senator TOWNSEND. Yes.

Mr. BENTLEY. About 24 years.

Senator TOWNSEND. Where did you live prior to going to Shawnee?

Mr. BENTLEY. I had lived in the Choctaw Nation and various places in the Indian Territory. I have lived there 30 years. I went from Pennsylvania to the Indian Territory a great many years ago.

Senator TOWNSEND. Was 1890 the first that you became interested in the Kickapoo Indians?

Mr. BENTLEY. About 1894 when I became actively interested; but I had seen an occasional Kickapoo before that time; but, as I started to say a while ago, my first active connection grew out of this:

The marshals used to arrest them by the wagonload, dragging them off to Guthrie to get fees out of them. I don't know what it amounted to, but I think some \$50. The Indian agent who was in charge of the Kickapoos in 1905, Gen. W. L. Thomas, I believe—an ex-Confederate general from Georgia—he made up his mind that the only way to break up the Kickapoos, as he put it, was to send the marshal there to catch their children. Naturally they would resist the marshals, and that would warrant the arrest of all of them for resisting Federal officers.

So one day the posse of marshals swept down on the village. Mind you, the Indians were in this state of disaffection, owing to the forged treaty and all this allotment agitation. They would not look at a Government officer. So when the marshals were approaching the village, of course, the children scattered. The marshals commanded the older ones to call the children in. They refused. Finally an old grandmother, with a girl baby in her arms—they tried to take it away, and she fought them, and the marshal split her head open with a revolver, and then there was a general mêlée on.

The result was that there were three wagonloads of Indians, including women and children, some tied down in the bottom of the wagons, were brought into Shawnee. It was cold. It so happened that a few days before that a United States commissioner had been appointed by the Federal court, and located at Shawnee. They had pulled into Shawnee for shelter and to get provisions.

I approached the wagons and asked what was the matter. One of them who could speak a little English explained. About that time a marshal notified me that if I did not want to go along with them I had better keep away from those wagons; but I locked horns with him and insisted that under the law he must take them before the nearest commissioner. About that time the United States commissioner showed up—of course, there was \$5 in it for each case, as far as he was concerned—and he at once interested himself.

Senator TOWNSEND. There has been a great deal said about that, but are you talking now from things that you can establish or simply reciting tradition?

Mr. BENTLEY. These are things I witnessed myself, things I have testified here and at other hearings before. This matter is accepted history, only I do not go to the trouble to hunt it out of the records. But I am not going to dwell very long on that kind of thing, and I shall relate nothing that I do not know from personal observation without saying so.

Representative BURKE. You stated a moment ago that these Indians had title to a large area of land, for which they exchanged land in Kansas, and that the Government owes them \$2,000,000.

Mr. BENTLEY. Yes, sir.

Representative BURKE. You also stated a little before that that these Indians were taken from Mexico into the United States, and finally into Oklahoma, as prisoners of war? That was the statement you made?

Mr. BENTLEY. Yes, sir.

Representative BURKE. Now, did they go there as prisoners of war or because they owned that country?

Mr. BENTLEY. They were brought back to the country they had gone from, which they had owned always, under military guard. They were returned to where they belonged by military guard.

As to the question whether that was their country or not when they left Kansas under the treaty of 1863, a provision of that treaty was and is that they should be entitled to as much land in the Indian Territory as their land left behind them in Kansas would purchase at such a price as the Government might pay the five tribes for land for the purpose of settling the friendly Indians on, and that their land in Kansas would be computed at not less than \$1.25 an acre. If the proceeds of the land they left behind them had been invested in the same character of land they would have been entitled to 575,000 acres of land instead of 206,000, but the Government denied their title 40 years later even to that, and came there and swindled them out of it by paying 32½ cents an acre and selling it for \$1.50 an acre. They never did get out of that whole exchange but 22,000 acres until this act which brought about this appropriation. This \$215,000 was the difference between 32½ cents an acre and the \$1.50 an acre that the white settlers paid for the land.

Representative BURKE. Your contention now is that it was the Government of the United States that was swindling the Indians?

Mr. BENTLEY. Through this faithless commission; yes, sir; it was.

The CHAIRMAN. This appropriation of \$215,000 in 1908 on its face was designed to be for the carrying out of treaties with those Indians. You have referred to the treaty of 1863—

Mr. BENTLEY. Yes; article 4 of that treaty.

The CHAIRMAN. Under which the Kickapoo Indians exchanged lands in Kansas for lands in Oklahoma?

Mr. BENTLEY. Yes.

The CHAIRMAN. And this appropriation was intended to reimburse them for the difference between the value of the land they actually got—

Mr. BENTLEY (interrupting). No; it was not. That was a compromise.

The CHAIRMAN. I say it was intended to reimburse them for the difference between the amount they actually got and the amount they should have got.

Mr. BENTLEY. No, Senator; you are mistaken.

The CHAIRMAN. What was it intended for?

Mr. BENTLEY. The \$215,000 was to pay them the difference between 32½ cents an acre that the Government had allowed them and the \$1.50 an acre for the 206,000 they had given them in Oklahoma. They were not paying them for the difference between 206,000 and the 575,000. That never yet has been settled for. That was left out.

The CHAIRMAN. Go ahead now.

Senator TOWNSEND. Before you leave that, were you ever employed by the Indian office?

Mr. BENTLEY. Yes, sir.

Senator TOWNSEND. In what capacity?

Mr. BENTLEY. As special agent of the United States.

Senator TOWNSEND. When was that?

Mr. BENTLEY. That was in 1895. I will lead up to that in a moment.

By reason of the outrage in the attempt to rob the Indians of their children, as I regarded it, I became strongly interested in the Kickapoos. They were the prey at that time of dishonest deputy marshals. For instance, I have seen a marshal meet an Indian who could not read and pull out a paper and say, "John, I have a warrant for you"—any old paper would do—"what can you do about it"? The Sac and Fox and all the Indians of those days were preyed upon by Government officers.

I came here to Washington on my first trip in behalf of the Indians and went to the Attorney General. I insisted it was costing the United States more to persecute its wards down there than it would cost to support them. I made that trip here at my own expense. But the Indians resisted allotment, and there was nobody that could do anything with them. They settled on school land. The State of Oklahoma had leased those lands; the lessees were demanding possession, and the State was demanding of the Government that they get the Indians off.

The agent in charge had asked for the cavalry to be sent from Fort Reno to move these Indians. Notice of that came to the attention of President Cleveland. Mr. Field or somebody furnished the Indians some money, and they came on here to Washington, and the Indians went to the President and told him their grievances, and President Cleveland, in my presence, told them it had come to his notice that they had been robbed and badly treated, that they had been beaten out of their country. "But," he said, "I can only relieve you by asking Congress to give you money to help you along."

It was then that the President asked, "Is there anybody on earth that has got any influence—that can do anything with these Indians—that can reconcile them and get them to make the best of it?" The Indians said this to the President: "We want an agent of our own selection. If you will put a man in charge of us that we know to be our friend and that we feel we are entitled to trust, we will follow him. If he says it is best to go on to our land, we will go;

if he says it is best for us to go to Mexico, we will go. We want to have nothing to do with strangers. We will go to Mexico unless you put somebody in charge of us that we know we can trust."

The President told them that if he had been lied to and robbed as they had he thought he would want some man put in charge that he knew, and that he would do that. They were very much surprised, and they promised the President that if he would put me in charge of them they would follow me. The Indian Office at that time—

Mr. TOWNSEND. That was in 1894?

Mr. BENTLEY. That was in 1895, if my recollection is correct. It was 1895 or 1896; 1896, I guess it was.

The Indian Office was very much opposed to me. They said, "This theory of putting men in the Indian Service because they have influence with the Indians will disrupt the service." Of course, the service was more to the Government than the Indians.

Well, the President had directed the Secretary of the Interior to make the appointment, but the matter hung on for a month. Conditions were bad in Oklahoma.

In those days there were some smart men among the Kickapoos, men who were great orators. One day we went up by the White House, and the President saw us and he called us. He said, "I supposed you were down in Oklahoma." "No." I told him, "Mr. President, we waited until"—

Senator TOWNSEND. I would like to know what you mean by saying that President Cleveland saw you and called you into the White House.

Mr. BENTLEY. We went up by there and went around by this circle at the east entrance of the White House, and President Cleveland was—there was a place where he used to come out and air himself frequently in his time, and he was out there that afternoon. He happened to be out there that day and beckoned to us, and we all went over there. Then it was that he told me to get the Indians ready to go home, and to take a message to the Secretary of the Interior and say to him that if there was any reason why the arrangement should not be made at once to make it known to him in writing.

The result was that my commission issued the next day. But just before leaving Washington a messenger came from the White House and said that the President wanted to see me. So I went up there, and President Cleveland told me, "You are going into the Indian Service under trying circumstances. Everybody is prejudiced against you and against your Indians. They will do everything they can to disgruntle the Indians and make your work a failure. But you go down there and do your duty, and when you can not get any further come back to me." And I made five trips up here in one year. I kept having to come back.

And the Indian Office did everything in its power to disgruntle the Indians. They gave me nothing to work with. They gave me a man there who did everything on earth to see that I did not accomplish anything. A man who is still living, a Mr. James G. Dickson, will testify that he was sent there deliberately to prevent me from doing the thing that the President had sent me to do.

I had no thought of staying there six years, but I got into this fight. The traders wanted to take half of the Indians' money. The settlers whose homesteads were along the borders of the Kickapoos' land went on that land and cut their hay. They had grazed their cattle and horses there and there was general plundering. When we began to move these Indians down there onto their allotments they cut our fences. They threw carrion in the wells. They did everything they could to make it impossible for the Indians to live there.

Years passed before I got out of it, but I moved the Indians down onto their lands and I got them to work. And to-day, if they had been left in the hands of somebody they had confidence in, they would not be in Mexico. But those Indians could not live in Oklahoma. If an Indian's horse got into a white man's pasture it was \$3. If a white man's horse got into the Indian's fields and ate up his crops and the Indian took it up, the white man came to the corral and tore it up and said, "To the devil with you. This is not an Indian country." The Kickapoos can not live in a country like Oklahoma. They are not ready for any such conditions. Finally, when I left the service—

Senator TOWNSEND. How long did you stay in the service?

Mr. BENTLEY. Nearly six years.

Senator TOWNSEND. How did you come to leave?

Mr. BENTLEY. The department had adopted a new policy, and that was to do away with Indian agents and place all the agencies under school superintendents. There is a very complimentary letter in the record from the Commissioner of Indian Affairs to me and to others saying that there was nothing in connection with my service to the Government that had anything to do with my office being abolished. It was a special agency created for the Mexican Kickapoos, and it was abolished, and they were put back under the jurisdiction from which they were taken, Mr. Frank A. Thackeray thus succeeding me as a superintendent in charge of the Kickapoos rather than as an agent.

In 1903, in January, a condition came about there that was intolerable. An Indian by the name of Pah-ko-tah had been assaulted by a renegade Indian, who had come to his home and beat him nearly to death, pulled his hair out, tramped him in the face, and he came to my home in the night—brought there in a wagon. I had to get a surgeon to put him in a plaster cast to save his life. Mr. Thackeray was agent then. Now, the Indian who beat up Pah-ko-tah was trying to ingratiate himself in Mr. Thackeray's good graces, because the Kicking Kickapoos were unfriendly to Mr. Thackeray and were friendly to me, and that element that was friendly with Thackeray imposed upon our Indians.

The result was in a few months that their stock was stolen and run off, and they fell back into the same old state of disaffection. But this Indian—Pah-ko-tah in particular—the first one I moved after I left the service, said to me, "If I stay here I have got to kill somebody. If I kill somebody in the white man's country, they will hang me. Help me to get away."

Pah-ko-tah and his boys, after he finally got well, brought in their farm implements and their paraphernalia. They loaded the car themselves—loaded their mules into a car. I engaged a white man

to go along. I never had anything to do with that transaction except I got the white man to go along to care for the mules, as had to be, and engaged the car.

Mr. Thackery, as agent, seized the car, and after a running fight in the courts the mules—six of them, I think—were taken out. I was arrested for stealing Government property, and I was indicted for stealing Government property. I had issued the property to those Indians and had taken a contract for the Government, which the Indian signed, saying that he would neither sell nor trade it, but use it for his own exclusive use. Finally the car went forward with Pah-ko-tah's wagons and his harness, but the mules were left behind. Then the military authorities were appealed to at the border. From that time and for six years more it was a running fight. I was indicted. The Indians were jailed. We were dragged from pillar to post. Probably the greatest outrage that was done to the Indians was following the act of 1906, of which Mr. Field has testified to some extent to-day before the other committee. I do not know whether this investigating committee wants me to go into that or not, but I will say this in an abstract way. I will try to tell my story shortly, because I have to tell it again before the other committee probably in self-defense.

Four times I came before committees of this Congress, as the records will show, telling Senators and Congressmen that these were Mexican Indians: that they were born in Mexico—all who were over the age of 20 years when they were allotted in 1893: that they spoke the Mexican language; that their life's dream was to go back to Mexico and to be reunited there; and that my purpose was, if it was a proper thing to do, to aid them to go back.

The CHAIRMAN. Now, if that is true, how did it happen they came to Oklahoma from Kansas and had lands in Kansas to exchange for lands in Oklahoma?

Mr. BENTLEY. I will make that clear to you. This element of the tribe now known as the Mexican Kickapoos were absentees of the Kickapoos. The Kickapoos first had in Missouri 1,300,000 acres that was given to them and their heirs forever. They had exchanged that for 1,200 square miles of country in Kansas. Now, the whole Kickapoo Tribe did that; but even in that time these pilgrimages were made. They are a wandering people. Even now a band may go off and be gone three or four years.

They came to Kansas and they did not like it there. They had never lived regularly anywhere, and that element that became known later as the Mexican Kickapoos were the element that refused to take a diminished reserve, and they sold 600,000 acres to the United States. But the treaty provided that those who went south—that, of course, always meaning those wanderers who went to Mexico and returned occasionally—should be given certain quantity of land in the Indian Territory for the land they had left behind in Kansas. However, they had been Mexican subjects, born in Mexico—most of them—and lived there more or less. Yet all this time they visited back and forth, and up to the time I took charge of them they had never had any settled place of abode.

Senator TOWNSEND. Did the Kickapoos first come from Mexico or from the United States?

Mr. BENTLEY. Oh, no; they came from right near here and worked their way west. They were American Indians, but probably as early as 1700 those Kickapoos were living in Mexico, as did the Shawnees. The Shawnees, back as far as 1750, made pilgrimages to where Mexico City now is. In Chihuahua there are the old ruins left by the Shawnees that were there. Many of them were born in Mexico.

Inspector Zevely—who, I think, is considered among the very reliable inspectors—says in his reports, as late as about 1898, that the Kickapoo Indians had been nomadic up to the time I took charge of them. They had been wanderers on the face of the earth. Even there on that little reservation they lived in one place in the summer and another place in the winter. They had no fixed place of abode; they were wanderers. Inspector Zevely, who was a special inspector of the Interior Department, was sent to Oklahoma to report to the Secretary of the Interior the progress that the Kickapoo Indians in my charge were making. Mr. Brosius had reported to the Government over his own signature that I was driving these Indians off their allotments, discouraging them, and had gotten them into a state of disaffection. After that report I wrote to Commissioner Jones, and I asked Mr. Field, who was then attorney for the Indians, to see if there was not some other person, somebody in the service of the United States who had the confidence of the department, who would come and investigate.

Because, gentlemen, at that time, I say to you as men in all sincerity, that what the Government of the United States had always sought to do for the Indians I was doing. I was bending every energy of my life, and I was a strong man then. I had these Indians at work on their land. They were building fences, digging wells, planting orchards. They were drifting in the direction that it is always claimed the Government wanted them to do. And not withstanding these growing orchards, these wheat fields, and these splendid homes, here was the agent of the Indian Rights Association reporting the opposite of that, sending to the Secretary of the Interior forged council proceedings with 30 or 40 Indians' names to it, and it is in that report [indicating the Senate hearings of 1907] that no Indian whose name was said to be signed to it ever saw it.

I was being charged with those things by this agent of the Indian Rights Association. Inspector Beede, who is well known to everybody in the department, the oldest inspector in the service, investigated every one of Mr. Brosius's charges, and he said that he found I was doing a grand work among those Indians. He found that I was honest with them; that I was diligent, and that I was accomplishing the things that the Government sought to do. Still Mr. Brosius persisted that nothing was being accomplished; that my office ought to be abolished: and, finally, so much confusion grew out of it that the Secretary of the Interior did not send an ordinary inspector. Mr. Zevely is a lawyer and a big man, and, I believe, an honest man. And [addressing Mr. Brosius] in the face of your charges that I was driving those Indians off their allotments, when you well knew that not one of them who was not a kicker lived upon his allotment prior to my appointment—

Mr. BROSIOUS. I do not recollect that statement.

Mr. BENTLEY. I have a perfect right to make it.

The CHAIRMAN. You may go ahead and make your statement. You need not make any personal reflections.

Mr. BENTLEY. Pardon me if I have digressed. Mr. Zevely reported as follows:

When Mr. Bentley took charge of these bands about four years ago none of them were on allotments and none of them were improving lands. They were in a primitive state and still pursuing their nomadic habits. I have driven over the Kickapoo Reservation and I find a great many of them with improvements of their own, having their allotments fenced with good wire fences, which have been built by the Indians themselves, and nearly every one of them cultivating their own farms. In driving over the reservation I came in contact with many of these Indians who were in their fields plowing and otherwise preparing the soil for seed. As far as I could determine, they seemed to be industrious and anxious to progress in their work. The farmer, Mr. Clark, advises me that he has little trouble with them, and that they are all anxious to make progress in the matter of tilling their lands. Inquiry from many of the leading citizens of Shawnee develops the fact that Mr. Bentley has great influence with these Indians, and has succeeded to a remarkable degree in inducing them to go to their allotments and make homes for themselves. I think Mr. Bentley's usefulness to the Kickapoos has been very great. He seems to take a deep interest in their welfare, and has probably been successful beyond what any other man would have been with the Kickapoos. (P. 1661, Senate hearings of 1907.)

The CHAIRMAN. When was that report made?

Mr. BENTLEY. I think it was 1898.

The CHAIRMAN. Does not the document you are reading from show the date of it?

Mr. BENTLEY. I think it does. It is a quotation from the records there. It will be found on page 1661 of the Affairs of the Mexican Kickapoo Indians, Senate Document 215, Sixtieth Congress, first session.

The CHAIRMAN. Were you down there when Mr. Zevely visited the Kickapoo Indians and made that investigation upon which his report is based?

Mr. BENTLEY. I think I was.

The CHAIRMAN. Did you see him?

Mr. BENTLEY. I saw Mr. Zevely the day that he left Shawnee.

The CHAIRMAN. Did you see him while he was making the investigation, while he was going over the Kickapoo lands?

Mr. BENTLEY. Only one time. The day that Mr. Zevely left he sent for me, and I went to the hotel, and he told me that he had practically concluded his investigation. He had been there a week. But he said that he might overlook something that I would want him to have seen, and it was only fair to me that I be given an opportunity to show him anything.

The CHAIRMAN. Did you show him anything?

Mr. BENTLEY. I drove him that day 22 miles, I think, or about 20 miles, and showed him different things that he had not seen, and explained to him my policy and what I expected to accomplish.

The CHAIRMAN. Did he tell you what he was going to report?

Mr. BENTLEY. No, sir; I had not any idea in the world, except this: When I drove him to the train—he took the train at McLoud, Okla., I think. Anyway, I did not drive him back to Shawnee. And I said to him, "Now, Mr. Zevely, you have seen for yourself and I have tried to show you what I am doing here. I hope if you can suggest

any better plan that you will do it. I am here wanting to do the best I can for the Indians."

Representative CARTER. Was this while you were agent?

Mr. BENTLEY. Yes, sir.

Mr. BROSIUS. Might I ask the date of that letter?

Senator TOWNSEND. April 17, 1900.

Mr. BROSIUS. I mean the letter that I wrote.

The CHAIRMAN. Can you give him the date of the letter you referred to as having been written by Mr. Brosius?

Mr. BROSIUS. He spoke of Mr. Zevely having been down there in 1908.

Representative BURKE. Did you mean 1908 or 1898?

Mr. BENTLEY. 1898.

Representative BURKE. It was 1900 then?

Mr. BENTLEY. It was Mr. Beede that was there then.

The CHAIRMAN. It was in 1900, then, instead of 1908?

Mr. BENTLEY. Yes, sir; and it was the other inspector, Mr. Beede, who was there.

Mr. BROSIUS. Inspector Zevely, then, had nothing to do with the report I made?

Mr. BENTLEY. I think the investigation grew out of your charges. Mr. Beede investigated the charges by Mr. Brosius, which are very lengthy, and reported. It was persisted by some that Mr. Brosius's report was still true, and the Secretary of the Interior was disposed, even with Mr. Beede's report, to feel that there was some mistake. Then he sent another inspector—

Representative CARTER. When was Mr. Brosius's report made?

Mr. BENTLEY. I will find it in a moment.

Representative BURKE. The Zevely report was made entirely with reference to the misappropriation of some checks, was it not?

Mr. BENTLEY. I do not think so, but I am not sure. As I understood it, he was sent there to see what progress the Kickapoos were making. He may have had something else—

Representative BURKE. Just to refresh your memory [reading]:

This investigation was occasioned by report made by Inspector Nesler made some time in 1897 or 1898, in which he detailed a rumor which had come to his ears while at Shawnee, in Oklahoma, to the effect that Martin J. Bentley, now acting Indian agent for the Kickapoos, and W. S. Field had, by false representations made to the Indians, secured practically all of the checks issued at that payment. (P. 1661, Senate hearings of 1907.)

That was what he was investigating.

Mr. BENTLEY. I did not know that at the time, or I had forgotten. I had nothing to do with any such payment.

The CHAIRMAN. Then the letter to which he refers was probably of date September 8, 1898.

Mr. BROSIUS. Then, from the conversation we have had since, you will admit Mr. Zevely had nothing to do with reporting on the charges I made?

Mr. BENTLEY. I suppose, as I have stated, the Beede report—there was a deadly parallel between your report and the Beede report. Mr. Beede investigated your charges, and there was a contention that he might have been mistaken. There seemed to be still some lingering doubt—

Representative CARTER. Who was the contention by?

Mr. BENTLEY. It was in the department when I came here and reported—the employees and in a general way——

Representative CARTER. You do not know of any specific person that made that contention?

Mr. BENTLEY. The Indian Office officials——

Representative CARTER. That is not very specific.

Mr. BENTLEY. Mr. Tonner.

Representative BURKE. In order to keep the record straight, the report that Mr. Beede made October 3, 1898, addressed to the Secretary of the Interior, says:

Referring to your letter of the 10th of September last, transmitting letters from S. M. Brosius, making certain charges against Assistant Special Agent M. J. Bentley, of the Sac and Fox Agency, supporting the same by affidavits, you ask that I make a very careful and thorough investigation of the charges made by Mr. Brosius, and also investigate Mr. Bentley's manner of performing his official duties, generally and in detail. (Senate Hearings of 1907, p. 2039.)

Mr. BENTLEY. Of course, I am free to say that the investigation by Mr. Zevely may not have come directly from the Brosius charges, but it may have had some effect.

Mr. BROSIUS. Ten years afterwards?

Mr. BENTLEY. Oh, two years.

Mr. BROSIUS. I thought you said 1908.

Representative BURKE. He has corrected that.

Senator TOWNSEND. That is not material, anyway, that I can see.

Mr. BENTLEY. I do feel that I am entitled to read a little of that report of Mr. Beede's, since there is a positive parallel drawn here. This man reported one thing and the investigating officer reports squarely opposite.

The CHAIRMAN. The particular subject matter of this investigation is the administration of that fund of \$215,000.

Mr. BENTLEY. That is true.

The CHAIRMAN. While I do not want to deprive you of the privilege of stating anything you feel you ought to state in connection with it, I would like to draw your attention to the fact that we should like to get down to the particular subject as soon as possible.

Mr. BROSIUS. May I say a word here before the witness commences reading? If this report is read, then I shall ask to have inserted in the record certain other reports that are opposed to Mr. Bentley's report, Inspector Nesler's report, Inspector McComas's report, and, I think, one or two more.

Senator TOWNSEND. You are going to be heard on that, are you not, Mr. Brosius?

Mr. BROSIUS. I do not suppose I shall have much to say.

Representative BURKE. There seem to have been three volumes of testimony taken when we went into this subject that Mr. Bentley has talked about thus far on the hearings before a Senate subcommittee that visited Oklahoma. Now, if we are going to go into that again we ought to go at it systematically, and I understand that it is not your intention to do so. What we are after is the \$215,000 appropriation and what became of it, is it not, Mr. Chairman?

The CHAIRMAN. Yes.

Representative BURKE. And this statement he is making is preliminary to what he is going to tell us about that?

The CHAIRMAN. That is my understanding. He stated in the beginning he would make a preliminary statement.

Representative BURKE. So if he wants to put something in from the Beede report, I do not know that there is any objection.

Mr. BENTLEY. I desire to state at this time that the reason that I have reverted to the various charges and the Beede report is that it is a charge filed before this joint commission at this time by Mr. Brosius that is the occasion of this hearing. I am charged with exploiting the Kickapoo Indians and doing numerous disreputable things in connection with them. Therefore I feel it proper that I should call to the notice of the committee the fact that there had been a long, persistent prejudice and fight and opposition to me by Mr. Brosius. Surely he was not my friend, or he would not have brought these charges here. I am certain that he is not a friend to the Indians from his acts in the past. I have been opposed by him all these years in everything I did. But for that reason I should not have taken up the time of this committee to refer to Mr. Brosius.

Mr. Beede, in concluding his report to the Secretary of the Interior, says, in reference to the charges brought by Mr. Brosius (Affairs of the Mexican Kickapoo Indians, vol. 3, p. 2042) :

I have thus gone through with the testimony actually taken in Mr. Bentley's case, but may say that numbers of men that I believe bear good reputations have stood ready and evinced a willingness to testify to Mr. Bentley's integrity and efficiency, as well as absolute devotion to his wards. If an Indian is in trouble, he goes to the rescue. He furnishes his own means of transportation; has, I am told, worn out one buggy in the service; he furnishes his own office by securing a desk in an office of a generous man of the town. He can not be with the Indians and also attend to the clerical work of the office. He employs an Indian clerk at his own expense, and what is peculiar about him, he employs one of his enemies, who gave testimony sustaining the charges of Mr. Brosius, as his confidential clerk. (He carries his office papers in his satchel to and from home every day.) I called upon his clerk to testify, and his testimony appears on page 15. I have been over the lands and observed them along the road as much as I felt that my time would permit. In one inclosure of Kicking Kickapoos I find a good pasture located close to town, where the stock of the townspeople is pastured at a certain price per head. In another is cultivated ground; in another is a hayfield, with large stacks of hay ready for market; in one close by town is a race course and fair ground leased by the Indian; also, the circus managers desiring to show in Shawnee must pay tribute to a Kicking Kickapoo for a place to hold forth near town. I have myself seen these Indians in town during my short stay with wagons loaded, or partly loaded, with something to sell. I believe Mr. Bentley to be very particular that the lease money goes into the hands of the Indians, and that, while he goes personal security for the payment of purchases made by the Indians, he will not even retain the money of the Indians when in his hands to secure himself.

It may, with a good deal of propriety, be asked, Why will Mr. Bentley so interest himself on the behalf of those Indians on a salary of \$1,200? I believe this question can only be answered, so far as anything has come under my observation, that in the better sense of the term he is an Indian "crank"; and my impression now is decidedly that he should not be interfered with by the Sac and Fox agent in any wise; that his employees should be absolutely under his own control and paid by himself. To illustrate: The Sac and Fox agent, employing the farmer and detailing him for Mr. Bentley's use, can exercise an influence over him very prejudicial to Mr. Bentley's management. He can call him away at pleasure, as he has done now, probably to settle with him at the close of the quarter; but it should take but two days for this, and even this time might not be lost were Mr. Bentley paymaster for his own employees. And in the detail of a policeman, Mr. Patrick sends an Indian who has served a term in the penitentiary for stealing from a Kicking Kickapoo, and, of course, he can be of no service among the Kickapoos.

Referring to the latter part of your instructions, that I furnish you with a detailed statement showing what Mr. Bentley's verified statement, made under my own supervision, which is believed to account for every Kicking Kickapoo and very many of the progressives:

I am of the opinion that Mr. Bentley is doing a grand work for these Indians, and I fear it is hardly appreciated. He should, in my judgment, be liberally supported. I think the testimony will convince the honorable Secretary that the charges against Mr. Bentley are not sustained. I recommend that in the interest of the service and in justice to Mr. Bentley that he be allowed a clerk, an office, and a team and buggy, and that he have entire charge of all the Kicking Kickapoos, and also the progressive Kickapoos, including their lands, leasing, etc.

I am, very respectfully, your obedient servant,

CYRUS BEEDE,

United States Indian Inspector.

It was only about that time that the Shawnees were eager—the “kicking” Shawnees were eager—to get under my jurisdiction. I liked the Indian people, I worked with them, I know them. And I want to say that when I took charge of these Indians I was mayor of a city that soon thereafter became the second city of the State of Oklahoma. I was confidential agent to the general manager of a railroad. I had 43 annual passes in my pocket, and could go from one end of this broad land to the other. I had Pullman and Wagner passes, and Western Union, Adams Express, and Pacific Express. I could ship express all over the country for nothing. Surely nobody thinks a man would give up a position like that to go and take a job at \$1,200 a year unless he felt some intense interest in it.

That intense interest came from this: I lived in Oklahoma before a white man had acquired a foot of land there. I had been an observer of Indians in other States, and I had always believed, and I believe now, the reason the Indians make no progress is the fault of the Government and not of the Indians. Unless the Indian was superior to any other known kind of man he could not succeed. His hands are tied. You send failures among him to teach him success. I had believed that the Indian was susceptible of acquiring the habit of labor, and even at a large financial loss I demonstrated that. I took the meanest, wildest, and most suspicious Indian, and in three or four years, by persistence, by my kindly treatment toward him, I succeeded in creating within him a habit of labor. When the spring time came he would go and plow as the other farmers did.

But why? I was interested in him. I was his friend, and he knew it. The Indian, gentlemen, has a sense of intuition that few white men have. He can not understand your language; he must understand your face. A condition came in Oklahoma that I saw the Kickapoo must leave there or perish. The traders were skinning them alive. And these Indians that I have been directly responsible for—while 92 per cent of the Pottawatomies' lands are gone and 70 per cent of the Shawnees' lands have passed to white ownership, of that whole original allotment 85 per cent in area and 95 per cent in value had gone to white ownership. Would I be awake to the interests of the Indian if I let him remain in a condition where he was going to be shrouded in a maze of Indian Office red tape, that the Indian agent might hold him while his trader friends peeled him?

Mr. THACKERY. I did not have any traders.

Mr. BENTLEY. I am not referring to you. I refer to the Indian situation generally.

The Kickapoo Indians for whom I have been responsible have 70 per cent of their land yet. I began in 1903 and 1904. I knew the Government owed them large sums of money, and I led the work to ultimately get the Government to pay them that, and ultimately to get from the Government of the United States enough money to secure for them a home in Mexico. But that became impossible.

These various acts of Congress were passed. At all times I came here honestly and openly. At the hearings upon which the act appropriating \$215,000 and the act of June 22, 1906, were founded, days were spent by the full committee of the Senate on that matter. Congressman Slayden and prominent citizens were called to testify as to the character of the land. Mr. Thackery participated in those hearings. Mr. Leupp participated.

I want to read briefly from this record to show that there has been no underhanded business here. This has been a wide-open book. Everybody understood it but the Indian Office; they could never understand it.

Representative BURKE. This is the act of 1906 you are talking about?

Mr. BENTLEY. This is the act of 1906.

Representative BURKE. Before you read from the hearings, who initiated the act of 1906, if you know? Not from hearsay, but what do you know about it?

Mr. BENTLEY. I think perhaps it was on my motion that the first hearings were had, and I was very persistent in trying to get that act. At the hearing which is found on pages 1950 to 1965 of the affairs of the Mexican Kickapoo Indians, under date of March 24, 1906, this occurred before the Senate Committee on Indian Affairs:

Senator MCCUMBER. This Indian here said that their children died very rapidly in this country, and that they lived longer down there.

Mr. THACKERY. The real reason is probably this, that there is more game there, and that they can live as Indians.

Mr. BENTLEY. Is not that a good reason?

Senator MCCUMBER. If you give them "Indian conditions," they will be all right, for we certainly have not improved the Indian with all our civilization. He was at heart a better Indian when he was alone and lived as an Indian.

Mr. THACKERY. I am satisfied that those who are there expected to get this land and hold it in common. That will not be the case, however. They will soon be surrounded there by white men. I believe they have a right as individual citizens to go where they please, but, as an officer of the Government, I would like to see that they are protected. If they are going to have title there, let them get a proper title.

Mr. BENTLEY. The Indian is as sensible as you are that the white race will follow him across the Rio Grande, and, realizing this condition, he had selected an ideal place for his home, which, however, we were not able to secure.

This land that they had been hoping to secure is land that they themselves have selected. It is land that the older ones among them have known for 40 years. It is an enormous basin surrounded by high and rugged mountains and by a country that can never be occupied by white men. It is conglomerate and limestone, and the same character of country as found across the Rio Grande River in Texas. This basin contains 238,000 acres of fine grazing and farming land, with numerous wells and artificial lakes, and now has grazing upon it more than 10,000 white-faced cattle. Two hundred and fifty head of American horses are on it, with several thousand goats in the mountains. The canyons are timbered with linwood and hard maple and timber that is indigenous to New York and Vermont. The natural increase of these cattle would provide the Indians with their beef, and they would never miss it. The surplus cattle that would be annually sold would provide for their limited necessities, other than the farm products they would raise. Were they permitted to acquire this property, as I have stated before, these Indians would have a home and land long after the other Indians in this country will have nothing.

Senator McCUMBER. There will be electric railroads there after awhile.

Mr. BENTLEY. Not in that conglomerate country, sir. There are some very rich silver mines in the mountains surrounding that property, but I do not think the miners would ever trouble the Indians. We might supply them with beef. There is only one disadvantage in that section of country in Mexico for cattle raising. The grasses are fine and nutritious, but when cattle are raised at an altitude of 5,000 feet and are then taken down to the railroads at an altitude of 2,000 feet, they become subject to the Texas fever and often die. This tract of land that the Kickapoos want to have for their permanent home raises as fine cattle as are raised in the world, and they would not have to irrigate the land there to raise wheat. But that has been beyond our means so far. This country is 175 miles off the railroad. The basin there is mesquite grass and is beautiful grazing country. I think the Indians could live there indefinitely and I do not know any other place so suitable for Indians.

Mr. THACKERY. I might state, in conclusion, that the feeling I have as an officer of the Interior Department is that the matter of this emigration of these Kickapoos, in reality, is backed by a desire on the part of certain people to acquire title to their lands over in Oklahoma. If I am wrong in that the whole matter is practically over with me. I feel that there is such a desire to move these people with the ultimate view to getting that land.

Mr. THACKERY. May I interrupt just a moment?

Mr. BENTLEY. Certainly.

Mr. THACKERY. This evidence that he is reading from now was a hearing on the question of whether or not the act of 1905, the year before, should be repealed. The Interior Department had asked that this item in the Indian bill removing the restrictions from those seven valuable allotments, six of which were near the city of Shawnee, be repealed. We asked that that item be repealed so that the Secretary would not have to issue those seven patents. That act, as you recall, was mandatory. Up to this time he had not issued them and asked the repeal of that act so that he would not have to issue them.

Representative CARTER. The Secretary did that?

Mr. THACKERY. Yes, sir; and this hearing was on that question.

Representative BURKE. Are those the seven allotments with reference to which the Indian appropriation act of that year provided for the removal of restrictions, and it was alleged later that the provisions were incorporated in the bill without the knowledge of either the House or Senate conferees and were supposed to have been put in after the conference report was made and before the bill was enrolled?

Mr. THACKERY. That is the item exactly.

The CHAIRMAN. By whom?

Representative BURKE. Nobody ever knew.

Mr. THACKERY. It was slipped in mysteriously.

(Representative Burke here made an informal statement which the reporter was directed not to take.)

Mr. BENTLEY. Now, gentlemen, I want to satisfy you in one minute.

Mr. THACKERY. May I finish? I was called before the Senate committee as a witness, as I recall it. Commissioner Leupp was there at the time. We had both been urging that this amendment be repealed. What I want clear in the record is that the evidence he is reading now was not in reference to the act of 1906. And I did not know at that time, and I did not know when I was in Mexico after the act of 1906 had passed, that the committee or any other Government authority had agreed upon any pool. I took the act for what it said. I knew nothing about any agreement that was not

named in the act, and I acted accordingly. I did not know, Mr. Bentley, of the agreement which you are attempting to have the committee understand now was for this pool, that because I was there at this time I knew of the pool and all that as discussed by the committee. There is no such understanding.

The CHAIRMAN. Mr. Burke, you started to say something—

Representative BURKE. Just a word, so you will have this clear in your mind. It appears that these seven instances in the act of 1905 were put in surreptitiously. I asked who was responsible for that, and he says he supposes that he was. This act of 1906 provides that:

All restrictions as to sale and encumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been or are now known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been allotted land in Oklahoma or Indian Territory, are hereby removed.

Representative CARTER. That removed all restrictions?

Mr. BURKE. That removed all restrictions.

Mr. BENTLEY. No, indeed; that was not intended.

Representative BURKE. I do not know what was intended, but it did that.

Representative CARTER. That is the act under which the lands were really sold?

Representative BURKE. That is the act, when these fellows went down there and began buying these lands wholesale, which resulted in this investigation.

Mr. BENTLEY. They did not buy them.

Representative BURKE. They got title to them.

Mr. BENTLEY. I do not think anybody had any thought for a moment of any other than the Kickapoos, and the Delawares who had always been affiliated with them, and a few Shawnees. It was intended that those who has been with them and who had been affiliating with them there might return.

Representative BURKE. I should like to get your version of that legislation which you say you are responsible for namely, removing the restrictions absolutely.

Mr. BENTLEY. Well, as to the language, Chairman Sherman of the House committee changed that language in conference to meet the very thing you are talking about so that it would not apply to any Indian not affiliated with the Kickapoos. If he was lawyer enough to do that, he did it, because there was no intention to turn them loose.

Now, if the Committee will bear with me for a moment, I want to show you—

Representative CARTER. That is all Mr. Burke says. He does not claim that the resident Indians who were in the United States under this act—the act is plain—would have their restrictions, and all of them who were nonresident, to wit, the Mexican Kickapoos who were under your charge—

Mr. BENTLEY. And those who were affiliated with them.

Representative CARTER. And you tell us you were responsible for that act and you wanted to protect the Indians?

Mr. BENTLEY. Surely.

Representative CARTER. You thought it was protection to the Indian to remove his restrictions completely?

Mr. BENTLEY. No. With this very statement—and you will find it elsewhere in the record—these Indians, had the department let them stay away and let them alone, would have been on the upgrade to-day. These men who followed them to Mexico—4, 5, 6, or 8 land buyers—that would not have been in contention. The Interior Department or the Indian Office prevented the American consul from going there to their camp and taking acknowledgments, and they put a Federal officer there to throw me into prison. They took the Indian by the nape of the neck—

Mr. THACKERY. What Government officer?

Mr. BENTLEY. Mr. Outcalt. There is no use of any controversy between us as to that. My assertion is that he did do it, and I will prove it to you by the record. My assertion is that when these Indians were arrested and brought to the house in Muzquiz, out in the suburbs of the city of Muzquiz, they were incarcerated in that yard like a drove of hogs; that a watchman stood at the gate all day long with a shotgun; that when 14 of these Kickapoos who had been held in prison for 14 days importuned by the United States attorney, Mr. Outcalt, he said, "If you will ask your people to sign this for me I will turn you loose."

The CHAIRMAN. If this legislation had not been passed that would not have been possible, and it would have done no good to intimidate them.

Mr. BENTLEY. Senator, if the Department of the Interior and the Indian Office had not substituted their judgment for that of Congress it could not have happened. As I will show, Mr. Leupp came before the committee and agreed to this, that if Congress would do this it would demonstrate whether I had been guilty or whether the officers of the department had been guilty. Somebody apparently was doing a terrible wrong. But now, a month before that act passed, in anticipation of this act, here went the officers of the Indian Office down there to be on the ground and carefully lay their plans to see that the Indian did not get the benefit of the intention of Congress and the law.

The CHAIRMAN. What officers?

Mr. BENTLEY. Mr. Outcalt and Mr. Thackery, Senator.

Representative CARTER. You have not answered the chairman's question. The chairman wants to know if it would have been possible to have robbed these Indians if it had not been for the passage of this act?

Mr. BENTLEY. No; neither would it have been possible for him to have acquired a home in Mexico unless it was by the exchange of his land. But when, as shown by these three volumes here, they had me, as their attorney and agent, to come here before the committees of Congress to secure a direct appropriation paying the Kickapoos for claims growing out of the last treaty they had made with the United States—

Representative BURKE. What treaty are you referring to?

Mr. BENTLEY. The last treaty the Kickapoos ever made with the United States. It was made in 1891, I believe.

Representative BURKE. That is not the treaty made by some men who came here and forged the names?

Mr. BENTLEY. Yes, sir; that is the one. That is the last one.

Representative BURKE. You want to sustain your contention by that treaty?

Mr. BENTLEY. No. I want to make this clear to the committee—

Representative BURKE. You said a moment ago, in the early part of your remarks, that there was no treaty. I asked you what you meant, and you said it was a forged treaty. Now you are starting out to make an argument, predicating it upon that treaty.

Mr. BENTLEY. It was called a treaty, but in fact it never was a treaty. Congress ratified it, and it served the purpose of a treaty. I can only refer to it as a treaty. But the point I want to make there is this:

This document (S. Doc. No. 350, 60th Cong., 1st sess.) is the argument I made before a subcommittee of the Senate presenting the claim of the Kickapoos growing out of these certain treaty relations, showing that the Government owed these Indians other large sums of money on various treaties. And, in view of the fact that at the time, so far as we knew, the Indians had been robbed of their land, and through the connivance, we believed and now assert, of Federal officers—

Mr. THACKERY. Who was it?

Mr. BENTLEY. Mr. Outcalt. As to that, the committee investigating the affairs of these Indians down there in their report say they found that the robbers who robbed the Kickapoos were materially aided by Mr. Outcalt and by yourself. I do not mean to say that you went down there deliberately to help rob the Kickapoos—

Mr. THACKERY. I would like to have that finding read, please.

Mr. BENTLEY. I will read it to you in just a moment.

(Here followed a short informal discussion which the reporter was directed not to take.)

Mr. BENTLEY. Gentlemen, if you will hear me just a moment: While this matter of the act of 1905, about this amendment which had gone through without consideration, is a mystery, fortunately it is a mystery that no doubt can be cleared up. Congressman Stephens was one of the conferees. I think, at that time on that bill. There was a circumstance in connection with that that will show you it was considered in committee, and carefully considered.

Commissioner Leupp was so insanely prejudiced against me that the man's eyes turned green when he looked at me. He would actually take the fidgets. Somebody phoned to him and told him I was in there before the committee—the Senate committee—and he came rushing over with a cane in one hand and his hat in the other. And he rushed in before the committee and delivered himself of one of the most excited speeches you could think of—so I was told by members; I was not present, but Mr. Stephens will recall it. He condemned me for everything, I guess, a man could, and referred to the Quapah item. He never said anything about the Kickapoos, and when he was through he grabbed his hat with the same excitement and rushed out. And the former delegate from Oklahoma, Dave Harvey, was down here all winter to get some item about the Quapahs in the bill, and they knocked that off, and it lost him his winter's work. Mr. Leupp never touched the thing he came to talk about at all.

The CHAIRMAN. You have not stated anything that shows that anyone knew that the provision relating to the Kickapoos—

Mr. BENTLEY. Why, the members, Senator, knew it. It was discussed with Stewart and Pettigrew.

Representative BURKE. Who discussed it? Who put it in?

Mr. BENTLEY. I discussed it with all of them. I did not know there was any secret about it.

The CHAIRMAN. Were you the author of the provision in the act of 1905 removing the restrictions?

Mr. BENTLEY. Just exactly as I wrote it and gave it to Senator Stewart.

Representative BURKE. That was put in the Senate bill before it passed the Senate, was it?

Mr. BENTLEY. I can not be sure as to that; I do not know whether it was or not.

Representative BURKE. But it was in the law when the law was signed?

Mr. BENTLEY. I know it was talked about in conference.

Representative BURKE. The conferees could not put it in.

Mr. BENTLEY. I don't know as to that. I know it was talked about in committee. I know it was talked about before the conferees, because I was in there. Mr. Stephens will recall that I came in there and asked about it. It was in the bill in conference, I know.

Representative BURKE. You initiated the act of 1905, which removed the restrictions as to those seven particular Indians, and also the act of 1906, which removed the restrictions as to all Indians affiliated with the Mexican Kickapoos at that time?

Mr. BENTLEY. Yes, sir. That is, with others. I did my best to get the legislation.

Representative BURKE. I wish you would go ahead and state what you did after that was done. State the transactions with reference to the lands that were conveyed to you as trustee, or to your wife as trustee. In the first place, why were not all the conveyances made to you as trustee and why was your wife made trustee?

Mr. BENTLEY. In two of the instances—Mrs. Bentley is well known to the Indians. She has doctored them and their children. They have been about my home for years and years. She has been a mother to some of them. They themselves wanted to deed their land to her.

Representative CARTER. Rather than to you?

Mr. BENTLEY. No; I did not want them to deed it to me. Mr. W. W. Ives, of Kokomo, Ind., was selected as the trustee to take those titles, for the reason that he comes from one of the cleanest families in the world, I believe.

The CHAIRMAN. Who selected him?

Mr. BENTLEY. I did. I induced him to come, because he was a man financially responsible. There is a family that there never has been a blot on. Members of Congress were called before the Senate committee, when these acts were under consideration, as to the character of Ives.

The CHAIRMAN. Had he any connection with the Mexican Kickapoo matters or other Indian matters?

Mr. BENTLEY. No, sir; and never since.

Mr. TILACKERY. Wasn't he connected with four or five contests?

Mr. BENTLEY. Not that I ever knew of.

Mr. THACKERY. Did you not dictate a contract for a contest, while you were the agent of the Government, in the Oklahoma National Bank, in Shawnee, whereby a man named Leonard A. Hampton put up \$500 payable to W. W. Ives when this allotment should be canceled?

Mr. BENTLEY. Now, I will say this to the committee, that that is a matter that has been carefully gone over. I have been questioned closely as to that entire transaction by Mr. Embry, the United States attorney. There is my answer [indicating the Senate hearings of 1907]; the whole thing; and I will offer that part of this record pertaining to that to save time, and that covers the whole transaction.

Senator TOWNSEND. Can you say yes or no as to whether he was interested in any transaction except the ones you have mentioned?

Mr. BENTLEY. I have no recollection of any instance of Mr. Ives being interested if he knew it. There may have been an instance possibly once or twice where the man's name was used in some way, because he was a man that could be trusted, but it was a trivial matter if it was done.

The CHAIRMAN. Was he a personal friend of yours?

Mr. BENTLEY. Only to this extent, that I knew of the man; I knew the father and the family. I thought I would get a man of such high character and such reputation that nobody could ever question his motives. I took the cleanest and best man I knew.

The CHAIRMAN. Did you consult him before he was appointed as trustee and received these titles?

Mr. BENTLEY. I had consulted him once. I had stated to him the proposition that these lands—the proposition was to sell these lands and convert them into money; that we wanted them sold to the best possible advantage; and if we would come to Shawnee I would pay him. Mr. Ives would never have come except that his wife was in delicate health; threatened with tuberculosis in that climate; and that, coupled with something to do that might be worth something to him, led him to come to Shawnee. And those seven deeds—five were taken to him. Two of them were sold for \$32,000.

The CHAIRMAN. You have not told why you did not take all of the seven to Ives.

Mr. BENTLEY. Because the Indians insisted on making the deeds to Mrs. Bentley.

The CHAIRMAN. Those two particular Indians?

Mr. BENTLEY. Yes, sir.

Mr. THACKERY. This man here [indicating] was one of them?

Mr. BENTLEY. Yes, sir: Wah-nah-ke-tha.

Mr. THACKERY. And who was the other one?

Mr. BENTLEY. No-ten. I think you will find they both so testified in this record.

Representative BURKE. That legislation that removed the restrictions from those seven allottees was passed upon the theory or representation that those Indians were capable of managing their own affairs?

Mr. BENTLEY. No such argument was ever made. This statement was made, that these Indians had no children, no one but themselves, and they were willing to put their lands into a pool that might be con-

verted into money, creating a fund with which to buy a home for all of them in Mexico.

The CHAIRMAN. Can you explain why the act itself did not make provision for the pooling of the lands of these Kickapoos?

Mr. BENTLEY. You could not have got any such legislation passed.

The CHAIRMAN. You have just stated that that was what prompted the legislation.

Mr. BENTLEY. That is true. Those representations were made, and they were made in good faith, but you could never get an act through the Senate carrying with it such a feature. Senator Teller believed as much as I believed that these Indians would become extinct here, and it was a matter of preservation, an act of humanity, to help them. But for his help we would have been destroyed. We would all have been indicted and in purgatory but for him. He had been Secretary of the Interior. He knew the ways of the Indian Office. He knew that anybody that got in their way was going to feel the iron heel of the Federal law. These pirates would drive a man anywhere. It did not make any difference the way the Indian Office had been administered—

The CHAIRMAN. Let us stick to the facts.

Mr. BENTLEY. Those are the facts, Senator.

The CHAIRMAN. That is a matter of argument. You are a lawyer?

Mr. BENTLEY. Not to hurt. By occupation I am a farmer.

The CHAIRMAN. You know that is not a matter of testimony.

Mr. BENTLEY. I hope you will pardon me for this digression.

The CHAIRMAN. You have stated you took these seven titles—five to Ives and two to Mrs. Bentley—

Senator TOWNSEND. I want to ask you one question. Do you mean to say that the Senate would not have passed that measure if it had understood that you were trying to do the thing that you did do?

Mr. BENTLEY. No. I mean this: That to have framed an act with so much detail to it there would have been so many diverse ideas on the floor of the Senate. One man would have understood it one way and another another. There would have been confusion. There would have been no objection to the consummation of the purpose. I do not believe it would have passed. It was the opinion of the Members that it was better to do it in that form, because it was urged by the Indian Department that I controlled those Indians absolutely, and they had to get an authorization from me to talk to them—

Senator TOWNSEND. But the Senate itself did not know that that was the intention of the act?

Mr. BENTLEY. I think every member of the Senate committee knew it.

Senator TOWNSEND. I am talking about the Senate now.

Mr. BENTLEY. The Senate knew it, too.

The CHAIRMAN. Have you been sworn, Mr. Thackery?

Mr. THACKERY. No, sir.

(Mr. Frank A. Thackery was thereupon duly sworn by the chairman.)

Mr. BENTLEY. I think it will be found that the Congressional Record, when these matters were debated—

Representative CARTER. I want to ask you a question. Did this act providing for the removal of restrictions on these seven Indians make any provision as to whom they could make transfer to?

Mr. BENTLEY. Oh, no; none of the acts did.

Representative CARTER. It was just a straight removal of restrictions?

Mr. BENTLEY. Surely.

Representative CARTER. They were ignorant people, were they not?

Mr. BENTLEY. Yes, indeed.

Representative CARTER. Uneducated, and could not speak English?

Mr. BENTLEY. That was given as one reason.

Representative CARTER. Some of them drank?

Mr. BENTLEY. A great many of them—not a great many. I do not want to be unjust to the Indians.

Representative CARTER. They were just such Indians as we find among the ignorant, uneducated Indians of to-day?

Mr. BENTLEY. Hardly.

Representative CARTER. What was to prevent any other men coming in and taking those deeds in spite of you in case he got to them first?

Mr. BENTLEY. They would have had to forge their names. I did get there, and nobody attempted it.

Representative CARTER. How long was it after this act was passed before you began to negotiate for the deeds?

Mr. BENTLEY. I left here the night of the 3d of March.

Representative CARTER. When was the act passed?

Mr. BENTLEY. March 4.

Representative CARTER. You knew the act was going to pass?

Mr. BENTLEY. I apprehended that it would. I had been told it was in the bill.

Representative CARTER. You went directly to the reservation?

Mr. BENTLEY. I went to St. Louis, and there I found a telegram that this was the law.

Representative CARTER. Who was the telegram from?

Mr. BENTLEY. Mr. Powell, I think. Sam Powell wired me in care of the hotel where I usually stayed.

Representative CARTER. Was he your attorney?

Mr. BENTLEY. He was rather the attorney of the Indians.

Representative CARTER. Interested with you in those matters?

Mr. BENTLEY. No; no interest whatever. He looked after some matters for the Indians.

Representative CARTER. How long after that before you left St. Louis?

Mr. BENTLEY. I left St. Louis immediately when I knew the law had passed. I wired to Muzquiz, Mexico, and when I arrived at Eagle Pass they were there.

Representative CARTER. Did you immediately begin to negotiate as soon as you got there?

Mr. BENTLEY. I did not have to begin; they were waiting.

Representative CARTER. Whom did you wire to?

Mr. BENTLEY. I wired a Mexican by the name of Roman Galan to bring these Indians to the border.

Representative CARTER. I find here some telegrams, Mr. Bentley. For instance, here is one to Sam Powell, National Hotel, Washington, D. C.:

Looks good here. Big council to-morrow. Indians standing pat.

M. J. BENTLEY.

Mr. BENTLEY. That must have been in June, 1906.

Representative CARTER. May 25, 1906.

Mr. BENTLEY. Yes; that was from the Indians' camp at Muzquiz. Mr. Powell had been very much interested in the Indians.

Representative CARTER. Then I find a copy of another telegram:

WASHINGTON, D. C., June 21, 1906.

M. J. BENTLEY, *Muzquiz, Mexico.*

Indian bill signed. No change. Attend to matter of checks by wire.

SAM POWELL.

Mr. BENTLEY. Yes.

Representative CARTER. Those telegrams were sent in connection with the purchase of the land in Oklahoma, were they?

Mr. BENTLEY. No; that matter of the checks, if you refer to that, had no reference to Indian lands. That referred to a different transaction.

Representative CARTER. These were not the telegrams you referred to as having received a few moments ago?

Mr. BENTLEY. No, sir.

Representative CARTER. You went immediately to Mexico?

Mr. BENTLEY. I went to the border, and there I found, my recollection is, five or six of the Indians that had come out. These Indians had conferred among themselves, and they had sent me here to get these restrictions removed.

Representative BURKE. One of these Indians here?

Mr. BENTLEY. Yes; that man—Wah-nah-ke-tha—and Jim Deer. I don't know who they were. He, however, did not come out, but the others came. They were elated enough over the prospect that there was a show to get some money to buy some land.

Representative CARTER. What was the objection, and from whom did it come, to having stated in this act what the real purpose of the act was?

Mr. BENTLEY. Well, as to this first act, I don't know that there was any objection. It was a mere matter of removal of restrictions.

Representative CARTER. You said a few moments ago you could not have put that through the Senate—

Mr. BENTLEY. I was referring to the act of 1905. This matter merely referring to six or seven allotments—I don't know whether there was any discussion about that. I had in mind, of course, the act removing the restrictions from all of them. I don't know that there was anything very much said about this.

Representative BURKE. You did not consider the question of getting the restrictions removed from all of them until after you got the seven, did you?

Mr. BENTLEY. I will tell you how it came about. If the department had kept its hands off, as Mr. Thackery has testified—they jumped in and went into the newspapers. The title had passed. If there had been a lawyer in the Indian Office they probably would have known that there would have been no use to attempt to repeal a law of that kind. But they did not seem to, and they actually wrote an amendment and sent it up here after an Indian had deeded his land—

Mr. THACKERY. You say the deeds were really in trust, although the deed was only a warranty deed?

MR. BENTLEY. If you were selling a piece of land for somebody, what do you want to file a declaration of trust for and complicate your title? I don't know any other way. Choctaw Indians in Montana sent Mrs. Bentley a warranty deed, and now she has valuable land in Oklahoma to sell for them. They did not make any declaration of trust in it. If somebody wants to buy the land, she sells it for them.

Representative BURKE. Do you know of any white people who do business in that way?

MR. BENTLEY. I do. I have done that myself. I owned a ranch that I turned over to a man as security for some money——

MR. THACKERY. Who was the man?

MR. BENTLEY. Mr. Ives.

Representative BURKE. Was Ives present when you got these deeds on the property?

MR. BENTLEY. No.

Representative BURKE. Had these Indians ever seen Ives?

MR. BENTLEY. They probably knew of him.

Representative BURKE. Did they know him?

MR. BENTLEY. Okemah knew him.

Representative BURKE. Did these grantors know him?

MR. BENTLEY. Okemah and all of them knew him. I explained to them who he was. As a matter of fact, he had taken title to Okemah's and his wife's lands. He sent the \$15,000 in cash that he got out of it, and sent it promptly. But Ives had executed a declaration of trust that would have protected the Indians.

Senator TOWNSEND. I think your position is absolutely defensible. If the Congress would allow you to do such a thing as that, which, I think, is a monstrous thing, I think Congress is to blame. But I would like to know what you did with the money.

MR. BENTLEY. Well, the money received from the first seven allotments—but three of them was ever received by me. The rumpus that was raised clouded the title. I could have sold his allotment for \$40,000 in cash, and at that time it was worth \$50,000. I believe had the town remained as it was then it would have brought \$85,000. But in holding on to it for him and trying to protect him—finally these fellows forged his name to a contract, and the town fell down, and it is not worth \$15,000. We were injured by the department refusing to follow the plain, positive direction of the law, and were completely defeated in our purpose of acquiring a suitable home in Mexico. Had the department kept its hands off, we would never have come here asking for this act.

Representative BURKE. What did you consider the value of those seven allotments at the time the act was passed in 1905?

MR. BENTLEY. If somebody will compute it, I can tell you.

Representative BURKE. Just give us an estimate.

MR. BENTLEY. I figured that the Wah-nah-ke-tha allotment at that time was worth probably somewhere around \$20,000.

Representative BURKE. That is one of them.

MR. BENTLEY. It might bring \$25,000. In a few months, though, the street car line went out there and it became very valuable.

Two allotments belonging to Okemah and his wife, 154 acres, were sold for \$32,000.

Representative BURKE. That is three of them.

Mr. BENTLEY. That was probably \$10,000 more than it was ever worth. It would not bring \$10,000 now. It never was worth \$32,000.

Representative BURKE. That is about \$55,000 for three.

Mr. BENTLEY. We never got any cash out of the Okemah land, the 154 acres, so far as I know, except as I have testified.

Representative BURKE. What were the other four allotments worth?

Mr. BENTLEY. Well, I think the others would average about \$3,000 apiece. They were farther from town and badly cut up, some of them.

Representative BURKE. Then you would say the value of the seven was around \$65,000 or \$70,000?

Mr. BENTLEY. Yes, sir; that is about their value at the time the act passed. As I said, we were only able to sell for anything near their value three of them. The expense had been enormous in Mexico taking care of those Indians. I had gone backward and forward, employed helpers, and all that. The only thing I could buy was a little piece of land of 2,000 acres with six days of water.

Senator TOWNSEND. What do you mean by six days of water?

Mr. BENTLEY. There is a peculiar custom in Spanish countries that when a settlement is established and there is a river to irrigate with they call it 30 days of water, and then each person of the community is entitled to so many days or hours a month.

There the Indians were settled, but it was only a temporary home, having been unable to get any money sufficient to purchase the property they wanted. Then I came back the next winter and tried to get all the restrictions removed. There was a great property there that I believed would support them always. I had it in such a way that I could buy it for such less than its value, as I believe—238,000 acres, with 10,000 or 12,000 cattle, 175 miles from a railroad. We could raise corn, beans, and potatoes. I think the Indians would have been in Paradise there.

Now, the act of 1906, as I have said, if the department had been content to follow the judgment of Congress rather than its own, and let us alone, the American consul would have gone over there, and those titles would have been taken to Mr. Ives. Mr. Ives would have advertised those lands, and they would have been sold in 40's or 80's. Any man that has had experience in lands in Oklahoma knows that when people are attracted to a land sale of that character the lands bring a very high price. Those lands would have nearly sold for enough to pay the Indians out, but if it had not, it would have been an easy matter to sell cattle enough to make up the difference.

As a matter of fact, two Federal officers came there—Mr. Thackery and Mr. Outcalt. The doings of Mr. Outcalt in cruelty and barbarism are beyond any descriptive power of mine. The finest looking Indian I ever saw, the chief and leader of the Kickapoos, was put in prison in Mudquiz, held there for 14 long days in that tropical climate. If purgatory is any worse than that, I am sure nobody would want to go there.

The United States attorney could not break him down. Finally, a great lot of rubbish and old bottles were put into coffee sacks, and they were put on his back, and he was marched around the plaza to humiliate him to make him break down and agree to sell his land.

As a result, he testified himself before this committee of the Senate that investigated the affairs of the Kickapoos, that he carried this great sack of rubbish on his back, and when he came before the committee, as a result of the injuries, his arm laid as limp at his side as if it had been a piece of wood. It was little short of murder, perhaps worse than murder. The very day that the act passed removing the restrictions as to these lands I was thrown into prison, and an Indian was induced to commit perjury. One of the land buyers and Mr. Outcelt induced an Indian to swear that I had assaulted him with a six-shooter. I have the prison record here. I can not see to read it without my glasses, but I want to offer it for the record.

Senator TOWNSEND. You do not care to have it read?

Mr. BENTLEY. I will state briefly what it is. This Indian was induced to commit perjury, to swear that I had caused him to be assaulted with a six-shooter. Mr. Outcelt wired to Mr. Thackery, who was on the border, "Bentley in jail; come at once." I have often wondered what the hurry was that Mr. Thackery should get there so quickly. Mr. Thackery came and was around there while I was in prison. I was no more guilty of any wrong than one of you gentlemen.

Fortunately, at the end of the sixth day, the last day of my trial—it was a case that was being tried before what is known as a vacation judge—the regular judge returned. He said to Mr. Outcelt, "What is your function in my court?" "Why," he said, "I am prosecuting attorney for the United States." "Well," the judge told him, "your absence would be more agreeable than your presence. We are in a civilized country."

Representative CARTER. Was this a Mexican judge?

Mr. BENTLEY. Yes: it was a Mexican judge that told him this. And the judge recalled the witness, this Indian Johnson whom Outcelt and the land buyer had induced to swear that I had assaulted him, and they had a "confrontal." They have a peculiar way of trying people there. The judge brings the accuser and the accused to a table, and sits them down to see what they have to say to each other. I said, "Mack, how come you to swear that I ever hit you?" He said, "Oh, no; you never did," and the interpreter said, "That man denies it." Now, I was acquitted. Had the vacation judge, who had been bribed to put me in prison and keep me out of the way by the land buyers, presided, then God knows where I would have gone. But by accident the regular judge returned and dismissed him.

The CHAIRMAN. How did you get the regular judge back?

Mr. BENTLEY. I don't know; it was an accident.

Now, it was just at nightfall, and I had a hand grip. I walked out in the plaza as if I was going to stay there always; but I knew it was only going to be a matter of hours until the regular judge would leave, and then back in the jail I would go. So when night fell I dodged and I took refuge in the home of a venerable German priest. I went in there to his home, and he said, "Come away from the window; come inside." He lit his pipe and began talking to me, and he said, "This is a serious situation." I said, "Father, what had I better do?" "Well," he said, "I can not tell you. If you stay here, they will put you back in prison, and you may never get out alive;

if you attempt to get away and they catch you, they will never bring you back alive. I can not tell you what you had better do."

Criminals were turned loose and armed, Mr. Outcalt's friends, the American land buyers, Outcalt's interpreter—they were all out for me. They even went to a town 16 miles below there at 2 o'clock in the morning searching the hotel. No hounds ever hunted anything as they hunted me.

I remained in the priest's house until midnight. The next morning just before day I made Las Esperanzas. Edwin Ludlow, an American, had charge of those mines there. The town swarmed with rurales and police that day.

There was a railroad coming down from the north to intersect one that led up northeast to the Mexican border. It was arranged that the physician to the railroad and coal mine there would take a friend of his horseback that evening to visit his patients, and they rode down the alley back of where Mr. Ludlow's place was, and as they came down I dressed myself differently than I did when I was last seen at Muzquiz. Instead of wearing a dark coat and light hat I wore just the opposite, the same as the doctor's friend. I went out and the doctor's friend swung out of the saddle and I swung in, and rode right down through the rurales and never paid any attention to them.

When I got to Barroteran, the station where I should have taken the main line, the train did not come. I never can tell anybody how I felt when day began to break. Of course, the Mexicans would have got me, but it so happened that the section boss's house was open, and I hid there. About 11 o'clock the next day a freight train came. In the meantime, however, I could see my pursuers from the window of the section house—Grimes and several of the land buyers. Mrs. Bentley and the children came, and they were walking up and down the platform; but, of course, it would have been death to me to make myself known.

Anyhow, about 11 o'clock, by a streak of luck, I got on board that freight train and got started for the border. There were nine dead-heads on there. I knew from the telegrams that were brought to me that the chief of police at the next town had been wired that he would be responsible if I got by. There was \$10,000 up for me; \$5,000 put up and \$5,000 held in escrow. I induced the conductor to stop that train 8 miles out from the next station and drop all those fellows off. In the town of Sabinas, where they would ordinarily have been an hour and a half, I gave the crew \$10 apiece, and I was allowed to hide in the caboose. They went through there searching for me, and I liked to have roasted in that caboose. They were there just 27 minutes.

That night, when they got a mile and a half from the border, they stopped and let me off. I had a pair of field glasses, and I saw the train when it pulled in there, and there they swarmed like a lot of buzzards.

When night fell I made my way into the town, and J. N. Shafter, a brother of Gen. Shafter, at midnight of July 4, 1906, took me in his closed carriage across the Rio Grande River into the United States.

Now, the Kickapoos stood pat. They would not sign any deed, but when the time came they could not get the Indians to go out, and

there was no way to do it but just deliberately rob them, and they did. They went to their village and brought them to the jefe politico's home, and there their names were forged to the deed. There are copies of those checks in this record.

First they forged the Indians' names to a deed. Then they wrote a check for the amount of consideration named in the forged title. They turned that check over and forged the Indians' indorsement on it. He never saw the check; he never saw the deed. They brought those checks to Eagle Pass, Tex., drawn on the First National Bank. There they deposited them to the credit of the Indians. They sent the deed on to Shawnee for record. Then, in a few days, they returned with a forged check and drew the money out, relying upon that system of checks.

We indicted them 140 times for forgery. We got 140 indictments against Chapman, Grimes, Conine, and Brown, at Eagle Pass, Tex., because they uttered these forged checks.

Gov. Haskell refused to surrender these men, and then it was that Field and others went into Mexico and indicted them, and tried them, and, as I understand, convicted them over there.

During the investigation of the Kickapoo matter the Indians time and again persisted that George Outcelt, the assistant United States attorney, was present at the home of this Mexican judge when these Indians' names were forged. But we could not believe it; we thought they must be mistaken, but when they went there and tried them I am informed that it developed that he was there and saw it done, or knew it was done. We had numerous trials in Oklahoma over this matter, and the attorneys for the men who robbed the Kickapoos—for Chapman, Grimes, and Brown—have admitted to me that Brown, in the trials in Oklahoma, swore that he went fishing that day and took Outcelt with him, to protect Outcelt as not having been present when the deeds were forged.

The CHAIRMAN. What attorneys were they?

Mr. BENTLEY. Ben Blakeney was their attorney.

Representative CARTER. Was he the one that told you?

Mr. BENTLEY. He told me that. And Mr. Field tells me that when they were tried in Mexico there it developed that Outcelt was present and saw this done.

Mr. THACKERY. You say it developed that he was there and knew of the forgeries in a certain trial?

Mr. BENTLEY. No; he was there at Guajardo's house.

Mr. THACKERY. You say that fact was developed in a trial?

Mr. BENTLEY. A trial at Shawnee. I think it was Wah-nah-ke-tha's case, or it was at Tecumseh, perhaps. We tried several of those cases in the local courts. Growing out of that, Brown swore that Outcelt was not there and that he was fishing with him on that day, but Ben Blakeney, the attorney for Brown, has since told me that Brown lied; that he was not with Outcelt fishing, but he and Outcelt were both present at Guajardo's house, where the deeds were forged, or are alleged to have been forged.

Mr. THACKERY. Then it did not develop at the trial?

Mr. BENTLEY. Oh, no; that did not develop at the trial.

Mr. THACKERY. I never knew of that before, and that is the reason I asked you.

MR. BENTLEY. Now, I have done everything I could do. I took these Indians before the grand jury at Eagle Pass, and it was three times before they succeeded in getting a grand jury that would indict these men. A time came when the Indians at Muzquiz who had been robbed were in this position: These men in Shawnee who had robbed them had come to take their depositions before the same judge who had forged their names to these titles. The poor Kickapoo was in this attitude: If he went before the judge and told the truth, he would hold him for contempt and throw him into prison. If he went before him and lied or testified falsely against himself, he would lose his land.

Another unfortunate thing developed there. This great record—all these volumes of this testimony—contains a great number of telegrams in cipher. When President Diaz found the key to them it led to the disgrace of a lot of officers of his who were mixed up in it. The governor of the State of Coahuila, it was shown, participated in the \$5,000 that was put up to put me in prison. It created such a condition at Muzquiz that the Indians could not stay there.

The jefe politico, at whose home they were robbed, where their names were forged, and who was the principal authority of that locality, forbade them to move. We appealed to the State Department, and on May 6, 1907, under the protection of the American consul from Ciudad Porfirio Diaz, Mexico, the Kickapoo Indians who are now in Sonora, including these, started on their long trip across the desert to Sonora, more than a thousand miles—except Wah-nah-ke-tha and Ah-kis-kuck and those who had very valuable lands. I knew the State Department would put somebody there so they could not be compelled to swear against themselves. Out of precaution, I brought 40 of them to Eagle Pass and brought them around by Marfa, some 300 miles farther north, and rejoined the others in the desert.

We left Muzquiz May 6, 1907, and landed in eastern Sonora November 8, 1907. We were all that period of time crossing those deserts and over those mountains. We had 27 wagons, about 200 Indians, and about 600 head of horses. The expense of that trip was frightful. There was times we had to pay for water. We had to pay for grass. We had to pay scandalous prices for provisions.

During the winter of 1907 and 1908 I wintered this whole caravan—horses, people, and all—south of Douglas, Ariz. That was when I was here advocating the passage of this amendment which resulted in putting \$86,000 in my hands. I had borrowed in all nearly \$30,000—some of it borrowed in Washington, \$6,000 of it borrowed at Eagle Pass, Tex.

THE CHAIRMAN. How much was borrowed in Washington?

MR. BENTLEY. I will tell you in a moment. Some that I had borrowed here I had given my note for. There was one item, with interest, that amounted to \$648; one of \$2,213.33; and one of \$600. I had borrowed at Eagle Pass, Tex., of the Border National Bank, \$6,000. I had borrowed of a man by the name of Eagan, who lives in Indiana, \$4,000. I had borrowed of a man, an attorney at Oklahoma City, \$4,000.

THE CHAIRMAN. Who was that you borrowed from at Oklahoma City?

MR. BENTLEY. J. H. Everest. I don't know where Mr. Eagan lives now, but somewhere in Indiana. Mr. Ives has his address.

The CHAIRMAN. Did Mr. Ives get that loan for you?

Mr. BENTLEY. He negotiated that.

The CHAIRMAN. How much did you borrow from Eagan?

Mr. BENTLEY. \$4,000. I borrowed from a man by the name of Lee, in Oklahoma City, \$1,200 and something. When I paid it, it amounted to almost \$1,300.

The CHAIRMAN. What were Mr. Lee's initials?

Mr. BENTLEY. M. R. Lee.

Mr. THACKERY. Is he living yet?

Mr. BENTLEY. He was the last I knew. \$1,285.15 was the amount when I paid Mr. Lee.

The CHAIRMAN. Is he interested in real estate in Oklahoma City?

Mr. BENTLEY. Yes; I think he probably held a little.

The CHAIRMAN. When did you make that loan from Mr. Lee?

Mr. BENTLEY. Well, that was made, I think, during the summer of the Grimes-Outcalt raid. That was the summer of 1906. Anyhow, there were some other loans. Before receiving any money belonging to the Indians of the \$86,000, I paid in cash to 42 Indians \$13,000 of that borrowed money.

The CHAIRMAN. Before you received it?

Mr. BENTLEY. Before I received this \$86,000, I had paid in cash to 42 of the allottees, whose money the \$86,000 was, that I had borrowed—I paid them \$13,000.

The CHAIRMAN. There is a statement in the record, affairs of the Mexican Kickapoo Indians, showing those items, is there?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. What is the page?

Mr. BENTLEY. Page 1706. In the report of that investigation, on page 1706, appears a schedule of my account, as rendered at that time, showing a balance in my favor of \$8,060. I had received of Kickapoo money \$37,209.91, and I had expended \$45,260. I think, perhaps, that account is short one or two items that were overlooked in making up this statement. The payment to 42 Indians, amounting to \$13,000—a check properly indorsed—was accounted for and checked at the time by the committee. This account was very critically examined. I think Mr. Embry himself probably will say that there is no question as to this account being genuine.

The CHAIRMAN. To whom was that check of \$13,000 paid?

Mr. BENTLEY. Oh, that was paid to 42 Indians. Some got \$100. This old man right here—Ah-kis-kuck—who denies it now, was paid \$250 of that.

The CHAIRMAN. In whose favor was that check drawn?

Mr. BENTLEY. Drawn to him always. I paid his son \$750—Mexican money. I paid him \$500 because he owed a grocery bill of \$500. I paid his wife \$200, I believe, or \$300, Mexican. They were all three there at the same time and were paid at the same time.

The CHAIRMAN. Were all those payments made on checks, Mr. Bentley?

Mr. BENTLEY. Every one of them, and those checks were presented to the investigating committee and checked over. Not only that, but the record of that bank they were drawn on was checked. This committee that investigated the affairs of the Kickapoos was there at Eagle Pass at the Border National Bank, where the money was paid, and when my records showed, and I testified that I had expended

\$45,000, it was questioned. They said, "Where did you get it?" I am free to say that I can not account for where I got it, but I have the sworn statement now of the officers of the bank showing that I had deposited there \$56,000.

Representative BURKE. Now, Mr. Bentley—in order that I may not be confused—at the time this commission made this investigation that you are talking about had the \$86,000 been appropriated?

Mr. BENTLEY. No; that was before, and when that money came into my hands, these sums that I had borrowed in advance for the Kickapoos and that I had paid them to live on, to support them—of course, I was repaid out of that fund. I also reimbursed myself for the sum that was due me.

Representative BURKE. In order to keep the record straight, the report made by the Senate committee says:

The evidence shows that Mr. Bentley has received from land and other property, which would go to the common fund of the Indians, the sum of \$37,209.91, and that he has expended for them the sum of \$45,260.

Do those figures correspond?

Mr. BENTLEY. Yes, sir.

Representative BURKE. I thought you just said \$56,000.

Mr. BENTLEY. I say I deposited in that bank and checked through the bank in that period \$56,000. I actually handled that much money there. That was my deposits and receipts. I can show you the check received there on my account when I repaid this \$6,000.

The CHAIRMAN. Now, come to the item of \$215,000 appropriation. Out of that you received a fee of \$28,000?

Mr. BENTLEY. I want to explain that; the way I came to be paid a fee of \$28,000. These Indians met in council. The superintendent of West Point represented the President of the United States at that council. Maj. McLaughlin represented the Secretary of the Interior.

Mr. THACKERY. Who was the superintendent of West Point?

Mr. BENTLEY. Gen. Scott.

Mr. THACKERY. He is now in the city, isn't he?

Mr. BENTLEY. I don't know as to that. He has been stationed in El Paso.

Mr. THACKERY. He is here; Assistant Chief of Staff of the Army.

Mr. BENTLEY. There had been a scheme on the part of the Indian Office to deprive the Mexican Kickapoo Indians from getting any benefit of this money. They had sent their officers and actually kidnaped them and got a majority of them to go to Shawnee, Okla.

Mr. THACKERY. May I ask him to name those?

Mr. BENTLEY. One Mark Goode came to the Indian camp below the border and hoodooed a lot of Indians and got them out of there. They went to Muzquiz. They went anywhere that they could find an Indian to get enough of them back to Shawnee so that they could have Mr. Thackery or some other man made their trustee and defeat the purpose of the appropriation. It came to the notice of Senators, particularly Senator Teller, that it was proposed that the Government of the United States was going to run a special train from Shawnee, Okla., to Holbrook, Ariz., so that the Indians that lived down in Mexico would actually have to make a trip of 600 miles, which would have been impossible for them to do.

When that came to the notice of President Roosevelt, through the representations of Senators here, that here was a desperate attempt to again defeat these Indians, the President took the bull by the horns and had Gen. Scott there at Shawnee, Okla., and they took charge of that train, and instead of going to Holbrook it was run to Douglas and the Indians were united there.

After they had voted on the question as to who should remain in Mexico, and the choice of a trustee, and those who would go to Shawnee, then the question of my compensation for my getting this money for them was discussed.

Mr. THACKERY. If I might be permitted to make a short statement—I only want to do it because I believe the record would be in better shape to have it made at this time. At the time of the council the Indians were about equally divided, about half of them remaining with the Government, with me as the representative of the Government, in Oklahoma. The rest of them were in Mexico with Bentley or under his control.

Representative BURKE. What was the rest?

Mr. THACKERY. Seventy-five. There were 157 allottees living at that time. The act was so worded as to require a council proceeding in which the Indians were to say themselves how this money was to be received. It was not left to any Government officer to give them.

Representative BURKE. Now, your statement, if that is correct, does not come in there, because he is telling us how he happened to get this fee.

Mr. THACKERY. He had said that these Indians were about to have to go about 600 miles to Holbrook.

Representative BURKE. But his statement indicated that that was before the act passed.

Mr. THACKERY. This was after the act.

Representative BURKE. But his statement did not so show.

Mr. THACKERY. The point I wanted to make was that, if the council had met at Holbrook, while his Indians would have had to go 600 miles, the bunch I represented, under the wording of that act, would have had to go 2,000 or 3,000 miles. It cost the Indians I represented about \$7,000.

Mr. BENTLEY. But it was never the intention of Congress that any Indian in Oklahoma should get a dollar; but for the fact it was shown to Congress that this money would be invested in Mexico, no Indian in Mexico would have had a dollar. Had the department kept its hands off, they would all have been in Mexico to-day. Mr. Thackery and his emissaries came to the border and said, "If you put your money in Bentley's hand, you will never get to spend it."

Representative BURKE. Mr. Chairman, let us get an answer to your question. That was about the \$28,000. Was that narrative of events before the appropriation or after?

Mr. BENTLEY. That was after the appropriation was passed.

Senator TOWNSEND. What did you do to earn that \$28,000?

Mr. BENTLEY. Senator, I will tell you what I did. I had been working persistently to get an act to go to the Court of Claims to secure from the Government the money that it owed these Indians for years before that. I had come here time and again. I had paid a man to come here and represent me. I believe—in fact, I know—that if we had gotten by the Court of Claims probably a million and

a half would have been recovered. Finally, after all the efforts, a condition arose—our extremity was such—we did not know when this act was passed. Their lands had all been taken from them, and this was a life and death struggle. Finally we got this one appropriation, this one pittance of \$215,000.

Representative BURKE. It was \$300,000, was it not?

Mr. BENTLEY. I think \$215,000 and something. I feel that taking a little fee, as I did, the Indians having voted me a mere matter of \$28,000, in view of the time I had spent and the expenses of my own that I had paid, and what might have been recovered, it was a great wrong to me—

Senator TOWNSEND. Was anybody else interested in getting this claim that the Indians insisted was due them but you?

Mr. BENTLEY. Senator, there was no one interested except myself and Mr. Field, other than a man who was well known in Congress, and who had the confidence, apparently, of everybody who knew about Indian matters, that I paid time after time to come here and help.

The CHAIRMAN. Who was that?

Mr. BENTLEY. Sam Powell.

Senator TOWNSEND. What I wanted to ask you was, Were you the pioneers in this movement to get the money for the Indians?

Mr. BENTLEY. I never knew of anybody else attempting to get it except Mr. Field and myself; that is, to get the amount the Government owed them.

Senator TOWNSEND. Was there any attempt at the time you took charge of it to secure this money for the Indians?

Mr. BENTLEY. I think not. I never knew of any effort until I or Mr. Field made it.

Senator TOWNSEND. Did anybody ever claim that the Government would have given this money to the Indians—

Mr. BENTLEY. Oh, Senator, the Government denied positively—if I had it I would read you the record where the Commissioner of Indian Affairs said that to give those Indians a dollar would have been a gratuity.

Senator TOWNSEND. So that you insist that you and the two gentlemen you have named were solely responsible for obtaining this \$215,000?

Mr. BENTLEY. Why, Senator. I do not know how it could be any other way. Nobody else ever insisted. Nobody else ever took it up or were able to prove that the Government did owe it to them. If you will read the record—

Senator TOWNSEND. I do not care to do that.

Mr. BENTLEY. I am referring to it only to show you. In fact, Senator Teller, who did read it and helped me, said that he, as a lawyer, would say that if the Kickapoos had gone to the Court of Claims they would have recovered not less than \$1,800,000.

Senator TOWNSEND. You insist, then, that you yourself recovered for the Indians this amount of money, which otherwise would not have been recovered?

Mr. BENTLEY. Senator, I have been told fifty times by people who know that but for my efforts they never would never have got a dollar.

Senator TOWNSEND. How many years were you working at it?

Mr. BENTLEY. Oh, 10 years, I will say, from first to last.

Senator TOWNSEND. How many people and who participated in that \$28,000?

Mr. BENTLEY. I paid Mr. Field \$5,000. I paid Mr. Powell in expenses, a few times he had been here, \$12,250.

Mr. THACKERY. He is dead.

Mr. BENTLEY. There is no trouble, however, if he is dead, to prove that I paid the money.

Senator TOWNSEND. You then got \$12,000 out of it for yourself?

Mr. BENTLEY. I got for myself the difference between \$12,250 and \$5,000 and \$28,875. That was all the pay I got out of it.

Senator TOWNSEND. Something over \$10,000?

Mr. BENTLEY. Oh, after the Indians had voted on the question of a fee, on what I was to be paid—I had gotten them this money, and it was just like finding it for them. I thought I ought to have 15 per cent.

Mr. THACKERY. Did you not ask for 40 per cent?

Mr. BENTLEY. Never.

Mr. THACKERY. I am sure you asked for 30.

Mr. BENTLEY. I say positively no. I never thought of such a thing. I did feel I ought to have 15 per cent. Some hagggle was made about it, and I said, "Here is Capt. Scott, and here is Maj. McLaughlin. They are men of experience and know what fees ought to be, and rather than quibble about it I will take 12½ per cent." And the Indians voted it.

Now, I want to say further that if you will go through my accounts completely you will find that in dealing with this matter it was not a question of making money; it was a matter of doing, as men often do, something I wanted to do.

Senator TOWNSEND. Have you any other business or occupation?

Mr. BENTLEY. Senator, from the time I took charge of these Indians as agent until the present hour, with the exception perhaps of a period of six months, I have had no other business whatever. I have had no business connections. I have devoted all my time, year in and year out, all these years, persistently, in behalf of these Indians. I have been with them months and months, and years even. I have been here in Washington. I was required to go to Mexico City. Officers of the department came and attempted to prejudice the President of Mexico. I have had to follow them backward and forward—

Senator TOWNSEND. Have you speculated in property, real estate or otherwise?

Mr. BENTLEY. Of the Indians?

Senator TOWNSEND. Of your own.

Mr. BENTLEY. Yes, sir; very little. The year I went out of the Indian Service—that was 1901—I became a director in a railroad company that was building a railroad in Oklahoma. We built 40 miles of road. I made some money out of some townsites. I named and located the city of Okemah, Okla. I suppose that in one way and another I made more money than my salary would have been in six years as Indian agent.

Senator TOWNSEND. You devoted some time to that railroad business?

Mr. BENTLEY. Only a little, and that not like I should.

Senator TOWNSEND. Were you a practicing attorney?

Mr. BENTLEY. Senator, I am an attorney only to this extent: I sought to be admitted to the bar so that I might anywhere on the face of the earth defend these Indians. I never owned a law book. In the technical sense I am not a lawyer. I have a license.

Senator TOWNSEND. Did you receive any fees from individual Indians for anything you have done for them?

Mr. BENTLEY. If any Kickapoo at any time ever paid me a dollar, other than two Kickapoos—there was an instance at Shawnee, Okla., that I want to relate, because it has a very prominent and direct bearing on this subject. Soon after I went out of office—

Senator TOWNSEND. You see, Mr. Bentley, you go into so many details. I want you to make this clearly understood, but we will never get through with it if you go into all the details.

Mr. BENTLEY. I will try to be very brief. You have asked me if I have received any fees.

Senator TOWNSEND. Have you, or have you not?

Mr. BENTLEY. I did. I received \$2,000, as I recollect, \$1,000 each from two Indians. My efforts had resulted in getting for them \$40,000 for a piece of land where they would have gotten \$12,000. I upset another trade where the deeds had been signed and one was pending before the department for \$8,000, and the land was put up and advertised and brought \$28,300.

Senator TOWNSEND. Are those the only two cases where you have received pay from the Indians?

Mr. BENTLEY. If I have, I can not remember. I do not think any other Indian ever paid me a dollar in the world.

Senator TOWNSEND. Do you own any property in Mexico?

Mr. BENTLEY. No, sir.

Senator TOWNSEND. Do you own any property in the United States?

Mr. BENTLEY. Yes, sir.

Senator TOWNSEND. What?

Mr. BENTLEY. I own a farm in the Chickasaw Nation of 320 acres.

Senator TOWNSEND. Where did you get that?

Mr. BENTLEY. I bought it with the money that originally I borrowed of two Indian women.

Senator TOWNSEND. Did you buy it of the Indians?

Mr. BENTLEY. Yes, sir; I bought it of Choctaw Indians. I never bought any land from Indians for whom I was trustee.

Senator TOWNSEND. I was going to ask that. You never bought any property from the Kickapoos?

Mr. BENTLEY. I bought one 80 from one Kickapoo, the only land I ever laid any claim to, that I bought and sold.

Senator TOWNSEND. Was that title ever questioned in court?

Mr. BENTLEY. No; not in court, I don't think. The department for a long time claimed that suit would be brought, or that there was not title, or something. But I do not think any suit was ever brought.

Senator TOWNSEND. Was that bought since 1906?

Mr. BENTLEY. Away after that. I first took the land in trust, or Mrs. Bentley did, and later I went to the Indian and bought it, and I paid him \$6,500.

Senator TOWNSEND. Afterwards?

Mr. BENTLEY. Yes.

Senator TOWNSEND. After the complaint had been made?

Mr. BENTLEY. No. As I recollect, there was no complaint about it. Mrs. Bentley, my recollection is, first took a warranty deed, and it was one of those seven tracts. Later I went and hunted up the Indian and took a quitclaim deed.

Senator TOWNSEND. One of those seven? Which one was it?

Mr. BENTLEY. That was one that was sold in 1911, away after this mêlée.

Senator TOWNSEND. Mrs. Bentley took it as trustee?

Mr. BENTLEY. Yes.

Senator TOWNSEND. You mean you took it from her then?

Mr. BENTLEY. I took it in this way: I went to the Indian, and said to him, "I failed to sell this land for you when you wanted me to sell it. Mrs. Bentley has the title. You can either pay back the money she has advanced you, or if you will complete the transaction by making an additional deed I will pay you more."

Senator TOWNSEND. Which one of those tracts was it? Designate it by the price. I will know it better by that.

Mr. BENTLEY. It was a piece of land that had been allotted to the deceased daughter of a Kickapoo Indian.

Senator TOWNSEND. Was that the \$3,000 piece?

Mr. BENTLEY. At the time I took the deeds probably it would not have been worth more than \$3,000. I was very fortunate in buying that piece of land. I put in \$1,000 in Shawnee near that in what they call raising the wind in our country. They started a packing house, and the packing house, and the packing house contributed to a boom. People flocked in, and I got a good price for that piece of land. I paid all that anybody would pay for it at the time I bought it.

Senator TOWNSEND. Was that while you were still handling the fund?

Mr. BENTLEY. No, sir. That was after I had eliminated myself entirely and forever. I had accounted for the funds I had had of theirs, and no longer considered myself their trustee.

Senator TOWNSEND. Now, you took part of this money and went down to Mexico and bought how many acres of land?

Mr. BENTLEY. It is a piece of country that measures out exactly $6\frac{1}{2}$ miles square.

Senator TOWNSEND. Where is the title to that now?

Mr. BENTLEY. It is in the incorporated Kickapoo community of Mexico.

Senator TOWNSEND. When was that organized?

Mr. BENTLEY. Well, it was organized under an act of Congress of some date—of last August.

Senator TOWNSEND. Why was it organized?

Mr. BENTLEY. I don't know what all the reasons were: I had nothing to do with it. Members of Congress originated the idea, prompted perhaps by this. This Indian reservation in Mexico was a white elephant on my hands. I realized I could not hold it always. There would be a disturbance made sometime if I tried to hold it, and it ought to go to anybody other than individuals. I did not know any person I felt like deeding it to. I had assumed this trust

at their request, and welcomed the proposition that I might deed it to them and get out from under the suspicion of not intending to convey it.

Senator TOWNSEND. You did not suggest that, did you, Mr. Bentley?

Mr. BENTLEY. Time and again, Senator. I went to Senator Clapp. I went to all my friends, begging them to help me to divest myself in some way of this title.

Senator TOWNSEND. It was in your name, was it not?

Mr. BENTLEY. Yes; to me and Okemah; but it had to be so. The Mexican woman who made that deed would never have made it to an Indian. On the other hand, if she had dared to do so and had known that they wanted to, they could not have bought it.

Since we have drifted to that subject, I want to say that I could have sold that piece of land to the Mormons for the purpose of colonization for \$30,000 cash more than I paid for it, and moved the Indians on to another place. I made a great bargain for the Kickapoos when I bought that piece of land. I dropped in there at a time when an old Mexican widow had to have money—1907. She had three pieces of land, and she had to sell some one of these three pieces or we would never have gotten that basin. I paid her in actual cash at one time \$8,000. I paid various other sums. I put into that land—it was in several pieces, most of it, however, in one piece, but altogether the expense of acquiring it and what I put onto it is in the neighborhood of \$20,000.

Senator TOWNSEND. Do you have that in your account that you are going to file?

Mr. BENTLEY. Yes, sir; I have a complete itemized account of the different banks through which I transacted this business.

Senator TOWNSEND. Have you expended all that \$86,200?

Mr. BENTLEY. Senator, I not only have expended that, but, I believe, a little more than \$6,000 more. I turned over \$21,600 of the remainder of this fund to my cotrustee, and, under the circumstances, that caused me to be very reckless. These two old men here [indicating Ah-kis-kuck and Wah-nah-ke-tha] are gamblers. They want money to gamble with. They will go to any length to get money to play monte. They came to Shawnee, Okla., and employed some lawyers, and agreed to give them 25 per cent of this money in my hands to get it away from me. I wanted to retain it; I wanted to buy another piece of land adjoining theirs. I wanted to put away some of this money for taxes.

But I found they had got these attorneys, and had gone into a court that was friendly to a man that had already robbed them of their land in Oklahoma. If I had come within the jurisdiction of the court, service would have been got on me, and the persons who had robbed the Indians would have been in the position of having robbed the Indian of his land, and then of his money, through a corrupt court. So I went around the jurisdiction of the court, went to Mexico, and made a payment of \$50 per capita to each and all the Indians and turned over the balance to my cotrustee.

Senator TOWNSEND. Did you take receipts for these payments?

Mr. BENTLEY. It was always by check, Senator.

Senator TOWNSEND. Did you take a receipt?

MR. BENTLEY. The check shows. I could not keep books, because I was in one end of Mexico one month and back in Washington the next. I could not keep books. The only thing I could do was to pay everything by check.

SENATOR TOWNSEND. Your check would not show what you paid the money for, would it?

MR. BENTLEY. Oh, yes; always.

SENATOR TOWNSEND. How will it show?

MR. BENTLEY. I make a notation. When I paid Ah-kis-kuck \$300 Mexican money "land" was written on that. If I gave him \$90, as I did another time, that was an advance out of the fund.

SENATOR TOWNSEND. Now, supposing you should die, or should have died before this account was turned over, and your checks that you had signed were presented, would these checks enable anybody to learn what property you had purchased or what debts you had paid?

MR. BENTLEY. From time to time I withdraw my checks, and at my leisure—I am not an accountant; I do not know anything about bookkeeping—I made up my account.

SENATOR TOWNSEND. Don't you keep any books at all?

MR. BENTLEY. Yes, I did; I kept them very carefully. I took my checks and made a schedule, from which that statement was made, but in the book I made it much more complete. Here was a check of a certain date for a certain thing.

SENATOR TOWNSEND. Where are your books?

MR. BENTLEY. My home, Senator, was burned up by somebody in Shawnee. I had two homes there—

SENATOR TOWNSEND. So you have not the books?

MR. BENTLEY. I have not the books, but my wife had the good fortune to grab a telescope that contained my bills and checks accounting for every dollar of that money and some more, but my books were burned up.

SENATOR TOWNSEND. Now, just there; you spent money other than the Indians' money? You drew checks on the same account. I suppose you kept no separate account in the bank of the Indians' money and your money?

MR. BENTLEY. Senator, I had no business in this city then. I did not go to any expense in the world.

SENATOR TOWNSEND. You have testified that you had \$56,000 in bank at one time, and your testimony shows that you had received \$37,000 for the Indians.

MR. BENTLEY. Yes.

SENATOR TOWNSEND. Now, there was a difference between \$37,000 and \$56,000 that evidently was your money?

MR. BENTLEY. The facts are these: In this awful fight down there after the Indians had been robbed—remember, now, we were raided twice in little more than a year. One officer came one year and threw us all into confusion, and that lost us our wheat crop. The next year the same thing followed. It cost me \$1,500 to feed the Indians while I was in prison and keep them out of the hands of these people.

SENATOR TOWNSEND. I am assuming that is the truth.

MR. BENTLEY. Covering a period of about 18 months I deposited and checked through that bank, covering the period of this account.

Some of this \$56,000 was after this rendition here, but most of that I can account for—that is in that statement. Altogether, however, there was \$56,000.

Senator TOWNSEND. There is nobody else on earth, is there, that could account for this but you? You have no record evidence anywhere that would show what was done with that money?

Mr. BENTLEY. Well, I think there might be some trivial part of it, but I think my checks and my bills—for instance, here is a check to the Armour Packing Co. at El Paso. Anybody knows that was for meat for the Indians. You could easily find what those moneys were for. Here is \$500 to an attorney.

Senator TOWNSEND. What is that property down there in Mexico worth to-day?

Mr. BENTLEY. I could have sold it for gold at one time for \$45,000.

Senator TOWNSEND. What could you sell it for to-day?

Mr. BENTLEY. Well, Senator, the war conditions have brought about such conditions that it would be unfair to fix a price. Under normal conditions I value that property at \$50,000.

The CHAIRMAN. What did you pay for it?

Mr. BENTLEY. It cost, with the improvements on it, in the neighborhood of \$20,000.

Representative CARTER. How much?

Mr. BENTLEY. More than 30,000 acres—6½ miles square.

The CHAIRMAN. Is that Mexican?

Mr. BENTLEY. No; that is gold. The first payment was \$8,000 gold. I drew a check on the First National Bank of Douglas for that.

Senator TOWNSEND. Did you draw any salary from the Indians during any of this time that you were acting as trustee?

Mr. BENTLEY. No, sir; except this. These Indians had considerable dead land, as they called it. Their friends had died, and one would come and give me \$10,000, perhaps; another perhaps \$3,000. It was agreed with the Indians I would pay them no interest; that, in lieu of a salary for my services, I would only charge them the interest on their funds. That is the only pay I ever received.

Senator TOWNSEND. How much would that amount to?

Mr. BENTLEY. Sometimes I had it deposited in banks where I got 5 or 6 per cent. Sometimes I loaned it as high as 10 per cent.

Senator TOWNSEND. How much would that be?

Mr. BENTLEY. It would not amount to much. I don't think I had more than \$20,000 that was at interest. All those sums were paid back except one, which I owe to one Indian woman—\$800.

(The witness here submitted a statement of receipts and disbursements of the trust fund under consideration, which was ordered to be inserted in the record and is as follows:)

Abstract of receipts and disbursements of M. J. Bentley, trustee for Kickapoo Indians in Mexico.

Disbursed through Riggs National Bank, Washington, D. C.-----	\$12,273.94
Disbursed through First National Bank, Douglas Ariz.-----	20,016.33
Disbursed through Border National Bank, Eagle Pass, Tex.-----	1,579.37
Disbursed through Bank of Commerce, Shawnee, Okla.-----	17,720.65
Disbursed through Moctezuma Banking Co., Moctezuma, Mexico.---	851.94
Disbursed through First National Bank, Tecumseh, Okla.-----	568.90
Disbursed through American National Bank, El Paso, Tex., and by payments of cash and otherwise.-----	13,726.62

Disbursed through F. D. Haymore & Co., in addition to sums shown by checks on bank-----	\$2,000.00
Delivered to Okemah, cotrustee-----	68,737.75
	21,600.00
	<u>90,337.75</u>
Trust fund-----	\$6,273.94
Qua-to-qua, loan to trust fund-----	1,900.00
	<u>88,173.94</u>
<i>Statement with Riggs National Bank of Washington.</i>	
June 8. deposit-----	\$16,273.94
Check 1, Miss Ruth Field, money borrowed to get Indians to Douglas-----	648.00
Check 2, Miss Eva Field, same purpose-----	2,213.33
Check 3, B. F. Beveridge, hotel bill for Indians-----	39.75
Check 4, Mrs. Katie Howe, subsistence, winter 1908-----	300.00
Check 5, W. S. Field, money for support of Indians, winter 1908 and 1909-----	600.00
Check 6, J. H. Slaughter, supplies furnished in Mexico-----	652.95
Check 7, Reimburse money advanced to delegation for incidentals-----	50.00
Check 8, Payable to M. J. Bentley to cover expenses of delegation from Douglas to Washington and return-----	500.00
Check 9, O. A. Mitscher, notions for Indians-----	107.22
Check 10, O. A. Mitscher, loan-----	2,000.00
Check 11, Jim Deer, for wagon for use of tribe-----	57.50
Check 12, F. D. Haymore, provisions for Indians-----	100.00
Check 13, Rachel Kirk-----	25.00
Check 14, Pas-ko-ma-----	25.00
Check 15, Qua-to-qua-----	25.00
Check 16, Ah-kis-kuk-----	12.50
Check 17, Man-ni-e-to-----	50.00
Check 18, Wah-pe-che-qua-----	25.00
Check 19, Wah-na-ke-tha-hah-----	40.00
Check 20, Pem-ah-ka-qua-----	15.00
Check 21, Tom Smith-----	50.00
Check 22, Wah-pa-ho-qua-----	25.00
Check 23, Pe-qua-----	25.00
Check 24, Keah-qua-ah-moke-----	25.00
Check 24b, Jim Deer-----	25.00
Check 25, Wah-theek-cone-----	25.00
Check 26, Jee-na-ko-thet-----	25.00
Check 27, Mah-tep-we-----	25.00
Check 28, Pah-ko-tah-----	25.00
Check 29, W. S. Field, expense to Sonora-----	100.00
Check 30, Joe Whipple, July 13-----	200.00
Check 31, Joe Whipple-----	200.00
Check 32, M. J. Bentley transferred to account as agent First National, Douglas-----	4,000.00
Check 33, Ben Cooper, storage for Indians-----	45.00
Check 34, Wah-we-ah-----	25.00
Check 35, Ne-pah-hah-----	25.00
Check 39, Frank Hanna-----	400.00
Check 40, W. S. Field, clerks' fees in filing seven suits, district court costs for Kickapoos, Oklahoma County, Okla-----	105.00
Check 41, Miss H. C. Miller, typewriting, preparing petition in 13 suits-----	13.00
Check 42, W. S. Field, attorney fee for past services-----	3,000.00
Check 43, James B. Jenkins, assistance and advice in Kickapoo cases-----	25.00
Check 44, Simon Goldberg, clothing for Kickapoos-----	48.75
Check 45, Henry Lynn, attorney fee-----	30.00
Check 46, National Hotel, Mar. 1, room 25 days-----	25.10
Check 47, Mar. 3, Baltimore & Ohio Railroad ticket-----	27.85
Check 48, Mar. 3, Dr. H. M. Hamblin, loan secured by note-----	100.00
Check 49, Mar. 24, W. S. Field, expense on account of call to Sonora by Kickapoos-----	67.99

Statement with Border National Bank, Eagle Pass, Tex.

Balance 1908.....		\$273. 28
August 7, C. J. Schuessler, clothing for Indians.....	\$13. 25	
November 4, Jacob Tomahawk.....	100. 00	
November 10, court expense, W. A. Bennett.....	6. 50	
November 10, bank paid telegram.....	. 70	
December 26, M. J. Bentley, money to hunt witnesses in Mexico.....	50. 00	
January 4, deposit.....	500. 00	
January 4, Roman Galan, paid for Noten and Mah-na-she-ka; see notes attached to check.....	51. 42	
January 4, W. S. Field, fee and expenses self and witnesses attending grand jury, Eagle Pass.....	200. 00	
January 5, Mrs. Melancon, meals for Indian witnesses....	3. 25	
January 6, telegram.....	. 50	
January 7, Ah-kis-kuk.....	10. 00	
January 7, Kee-ah-tha-com-o-qua, daughter of Ah-kis-kuk.....	10. 00	
January 7, Jacob Tomahawk, expense and attendance grand jury, Eagle Pass, self, wife, and nephew.....	25. 00	
January 9, W. S. Field, on account of grand jury and expenses witnesses.....	100. 00	
January 9, W. S. Field, on account of trip to Sonora and in bringing out witnesses for grand jury.....	400. 00	
January 9, Qua-to-qua, on account of grand jury.....	15. 00	
January 9, M. J. Bentley, car fare 2 witnesses, Muzquiz to Eagle Pass.....	5. 00	
January 11, Ah-kis-kuk.....	90. 00	
January 12, Qua-to-qua, to apply on tribe's note.....	5. 00	
January 13, Qua-to-qua.....	5. 00	
January 13, Qua-to-qua, to reimburse her for fare and witnesses.....	2. 50	
January 14, Wah-tho-con-a, account court, Shawnee.....	15. 00	
January 14, Eagle Pass Grocery Co., feeding Indian witnesses.....	14. 60	
January 14, J. A. Bennett for cartage at Muzquiz, loading and care of Indian plunder.....	5. 90	
January 14, T. G. George, 5 tickets for Shawnee Indian witnesses.....	90. 00	
January 7, deposit.....		1, 000. 00
January 14, Joseph Clark, expenses himself getting witnesses.....	35. 60	
January 15, International Dry Goods Co., bedding for Indian witnesses.....	11. 45	
January 15, A. Schweitzer, groceries for camp of witnesses.....	4. 45	
January 15, J. B. White, beef for Kickapoo camp.....	18. 00	
January 15, Louis Ladner, cooking utensils for Kickapoos.....	1. 70	
January 16, Jaggi, wood for camp.....	6. 00	
January 16, M. J. Bentley, for use of Tah-pah-she and Qua-to-qua, divided equally between them, returning to Sonora.....	25. 00	
January 16, T. G. George, 3 tickets, Indians, Eagle Pass to El Paso, returning to Sonora.....	46. 80	
January 16, George Rohleder, board for witnesses.....	50. 75	
January 18, Guy P. Bentley, for expenses car fare to Sonora.....	100. 00	
January 16, M. J. Bentley, for subsistence of Indian witnesses.....	10. 00	
March 3, Mrs. Lulu Lombard, rent of ground and house for Kickapoo witnesses.....	21. 00	
December 26, 1908, M. J. Bentley, reimbursement cash given to Ah-kis-kuk, \$40 Mexican.....	20. 00	
	1, 579. 37	1, 773. 28
		1, 579. 37
Balance on hand.....		193. 91

Statement with First National Bank, Douglas.

FROM MARCH 10 TO SEPTEMBER 9, 1908.

March 10, deposit		\$123. 25
March 10, cash for supplies at Douglas and San. Bern	\$100. 00	
April 14, salary to Gostin	10. 00	
April 18, salary to Gostin	5. 00	
April 20, feed to mules	8. 25	
May 6, supplies for camp	100. 00	
May 6, deposit		500. 00
May 20, deposit		1, 900. 00
May 21, John T. Eager, mules, \$300 check	175. 00	
May 6, W. J. Slaughter, hardware and utensils	50. 00	
May 7, L. E. Booker, expenses on account of K. counsel	175. 00	
May 20, Brophy Carriage Co., wagon, harness	272. 10	
May 21, L. R. Brown, Gostin's salary	75. 00	
May 21, Joe Whipple	100. 00	
May 21, Ed. Bowdles, for hauling supplies to K.	20. 00	
May 23, George Campbell, blacksmithing	9. 50	
May 21, T. E. Wilson, groceries for camp	94. 45	
May 21, Frank Hanna, expenses examining land	25. 00	
May 22, Douglas Hardware Co., implements	94. 45	
May 21, L. H. Van Tresse, duty on wagons, etc	111. 98	
May 25, C. M. Hadden, meals for Gostin and K. at Douglas	57. 30	
May 23, L. H. Van Tresse, duty and brokerage on buckboard and harness	98. 60	
May 23, Brophy Carriage Co., repairs on K. harness	13. 50	
May 25, Gostin's salary	100. 00	
May 26, Garcia Sucerar, groceries	64.35	
May 28, George Campbell, blacksmithing	42. 50	
June 10, Gostin's salary, expenses	50. 00	
May 23, Brophy Carriage Co., wagon	130. 50	
June 20, Gostin, expense account	37. 82	
June 19, Brophy Carriage Co., harness	81. 85	
June 20, Brophy Carriage Co., mules	225. 00	
June 19, Douglas Hardware Co., tools	50. 80	
May 29, Gostin's salary, expenses	25. 00	
June 20, Ben Cooper, storage for K. property	50. 00	
June 20, George Campbell, shoeing H. horses	10. 00	
June 22, F. E. Wilson, supplies to take in interior	100. 00	
June 20, Brophy Carriage Co., repairs on harness	5. 50	
June 20, L. S. Van Tresse, duty	39. 33	
July 13, deposit		4, 000. 00
July 13, expenses perfecting land title	200. 00	
July 14, seed and supplies for Tomachopo Ranch	100. 00	
July 14, Pam-e-thot	250. 00	
July 16, purchase Tomachopo	8, 000. 00	
July 16, Moctezuma Banking Co., fees, power of attorney	16. 00	
July 16, Moctezuma Banking Co., stamps and notary fees	262. 95	
July 16, Moctezuma Banking Co., K. titles examination	100. 00	
July 20, deposit		16. 00
July 20, deposit		10, 000. 00
July 21, Richardson & Dean, attorneys' fee	25. 00	
July 27, Joe Whipple	300. 00	
July 21, W. A. Bennett, interpreter	5. 00	
July 21, John W. Gostin, traveling expenses	25. 00	
August 8, M. R. Lee, payment of note, use of	1, 328. 53	
August 8, Okemah (Moctezuma), K.	100. 25	
July 21, Gostin, traveling expenses	25. 00	
August 10, Joe Whipple	23. 83	
August 11, Perry Rodkey, loan	225. 00	
August 24, Joe Whipple, for Pem-e-pah-no-mi	5. 00	
September 2, J. H. Everest, attorney's fee, Oklahoma	100. 00	
	1, 837. 61	4, 677. 52
		1, 837. 61
Balance on hand		2, 839. 91

FROM SEPTEMBER 9 TO NOVEMBER 17, 1908.

Forward		\$2, 839. 91
November 16, deposit		5, 000. 00
September 21, Nan-ni-toke	\$10. 00	
September 5, W. C. Douglas, attorney fee	25. 00	
September 21, F. D. Haymore, apply on Kickapoo account	500. 00	
November 4, Pas-ke-na	25. 00	
October 2, Joseph Clark, return of expense money	100. 00	
October 15, ticket agent, Shawnee, 2 tickets Kickapoo	89. 20	
November 2, Nan-ni-e-to (male)	45. 00	
November 4, Tah-pah-hah	25. 00	
November 4, Pum-y-tum-moke	25. 00	
November 4, Mah-tep-we	25. 00	
November 4, Ah-kis-kuk	45. 00	
Voucher No. 4, check Ma-ka-se-ah in suit—Tecumseh	75. 00	
Voucher No. 6, check to doctor in suit—Ma-ka-se-ah	50. 00	
Voucher No. 8, check Nan-ni-toke	25. 00	
	1, 064. 20	

7, 839. 91
1, 064. 20

6, 775. 71

FROM NOVEMBER 17 TO JANUARY 16, 1909.

Forward		\$6, 775. 71
F. D. Haymore, for work on ditch November 7	\$150. 00	
November 2, Wah-nah-ke-tha-hah	25. 00	
November 2, Chah-ke-she	25. 00	
November 2, Wah-theek-ke-na	50. 00	
November 6, Ah-na-tha-hah-qua	25. 00	
November 5, Rachel Kirk	25. 00	
November 4, Ah-che-che	25. 00	
July 21, Charles Valencia, rent of house	5. 00	
November 4, Okemah, taxes	19. 50	
November 4, Wah-po-ho-ko	12. 50	
November 17, Critoval Davila, corn	45. 54	
November 28, F. D. Haymore, general supplies	1, 000. 00	
November 7, Pemapalhona	6. 25	
November 10, A. D. Vanencia, corn	10. 75	
November 5, Noten, horse	20. 00	
November 6, Pah-e-nah	25. 00	
November 5, Ke-ah-kec-quah	25. 00	
November 28, Zerna Davila, Gostin's salary	44. 62	
December 3, Na-na-chi-skin-no-quah	50. 00	
December 5, F. D. Haymore, labor on ditch	200. 00	
November 2, Mexican for beef	7. 50	
December 15, Ah-che-che, saddle for use of tribe	12. 50	
November 10, Demencia Gartari, corn	62. 50	
November 6, Ke-ah-quah-moke	25. 00	
December 14, Carlus Loaza, examining titles	31. 60	
November 28, Charles Valencia, Gostin's salary	150. 00	
November 23, E. M. Webb, surveying	80. 00	
December 12, Antonio Samenego, land purchase, additional	500. 00	
December 12, Moctezuma Banking Co., expenses perfecting title, additional land	100. 00	
December 26, Mrs. R. Bahert, for lodging and feeding Kickapoos	10. 00	
December 18, C. Davila, corn	45. 48	
December 18, Mexican for beef	12. 00	
	2, 825. 74	
January 6, deposit		1, 000. 00

7, 775. 71
2, 825. 74

4, 949. 97

FROM JANUARY 6 TO APRIL 3, 1909.

Forward	-----	\$4, 949. 97
January 25, deposit	-----	1, 000. 00
December 13, beef for camp	-----	\$12. 50
December 14, Garasie R. Davavlia, corn for camp	-----	10. 00
December 15, Ah-che-che, payment on saddle	-----	12. 50
November 28, Señora Zavila, Gostin's salary	-----	275. 00
December 14, Señora Zavila, corn	-----	15. 94
November 28, Señora Zavila, chargeable to Gostin's salary	-----	75. 00
January 30, 1909, W. W. Ives, tickets, 4 Indians	-----	66. 00
January 16, J. W. Gostin, alfalfa seed, sorghum	-----	100. 00
December 8, Perqua	-----	25. 00
January 19, J. H. Wahl, attorney fee, court. Tecumseh	-----	50. 00
January 19, Pen-e-tho, return of cash borrowed for use of Indians	-----	250. 00
January 13, J. H. Everest, attorney fee, United States court	-----	300. 00
November 5, Noten	-----	5. 00
February 23, F. D. Haymore, cash and supplies furnished for January, 1907, as per statement rendered	-----	345. 00
December 18, Ne-pah-hah	-----	25. 00
December 14, Patricia Garcia, horse for Na-me-pesh-qua	-----	27. 50
December 14, Christabol Davila, corn for tribe	-----	29. 86
November 2, Ke-na-ko-thet	-----	45. 00
January 10, W. S. Pendleton, expense, Kahkahtophe	-----	25. 00
December 14, Mrs. Zozaza, board bill, K. Bacerac	-----	7. 00
December 15, Ah-che-che, saddle, part pay	-----	25. 00
January 19, Wa-la-he-ah-she	-----	50. 00
January 30, Joseph Clark, time and service procuring witnesses	-----	25. 50
December 11, W. A. Bennett, surveying	-----	25. 00
January 21, draft on Douglas to pay J. Jones, Del Rio	-----	500. 00
January 21, Pa-ma-keth-o, payment	-----	100. 00
	-----	2, 427. 22
		5, 949. 97
		2, 427. 22
		3, 522. 75
March 3, F. D. Haymore, subject to Okemah's indorsement	-----	1, 000. 00
March 1, W. S. Field, expense of self and others, Sonora and return	-----	450. 00
March 3, Qua-to-qua	-----	100. 00
March 3, J. W. Gostin, to be indorsed by Okemah, to pay for ditch work	-----	600. 00
March 3, certified check to guarantee bond for costs in Kah-kah-to-the-qua case	-----	100. 00
December 14, John Gostin, expense on account of trip and transportation of surveyor	-----	20. 00
February 14, Mrs. Greentree, room for witnesses	-----	7. 25
March 1, T. E. Wilson, groceries	-----	63. 00
March 1, Miller Mitscher Co., Gostin's salary	-----	4. 50
March 1, W. S. Pendleton, attorney fee	-----	150. 00
	-----	2, 494. 75
		3, 522. 75
		2, 494. 75
		1, 028. 00

Balance on hand

1, 028. 00

Moctezuma Banking Co. of Moctezuma, Mexico.

1908.

December 16, deposited	-----	\$10, 000. 00
January 16, paid through bank, taxes	-----	\$14. 00
paid stamps, fees, Samamiego	-----	195. 75
telegram	-----	1. 27
stamps	-----	5. 00
January 2, for surveying and examination of titles	-----	150. 00
January 29, withdrew \$1,000 for deposit in Douglas	-----	2, 000. 00

February 6, paid Banking Co., services procuring additional land	\$200.00	
February 8, bank paid hotel bill for K	5.50	
February 12, cost of confirmation of deed in court	15.00	
payment to Sainamiego on land	1,000.00	
March 1, bank paid taxes for 1900	117.36	
		3,703.88 \$10,000.00
		3,703.88
Mexican money		2)6,296.12
Balance on hand		3,148.06

Statement with First National Bank, Tecumseh, Okla.

January, 1909. Deposited		\$776.32
Drew cash for court purposes	\$554.00	
Paid district clerk, check	2.90	
Other checks	12.00	
	568.90	776.32
		568.90
Balance on hand		207.42

Statement with Bank of Commerce, Shawnee, Okla.

1908.

June 15, deposit		\$10,000.00
deposit		10,000.00
Joe Whipple	\$25.00	
paid Border National	7,000.00	
June 16, J. H. Everest, note on mortgage	4,067.09	
June 17, Joe Whipple	100.00	
Dad Sparks, Indian meals	14.55	
Eagan note	4,037.26	
W. W. Ives, taxes, court, etc	1,000.00	
June 27, 3 certificates for \$1,000 each, and one for \$761.10, afterwards deposited in Tecumseh First National	761.10	
July 29, Okemah	100.00	
August 10, deposit		100.00
	20,100.00	20,100.00

PAID FROM PERSONAL ACCOUNT WITH SAME BANK.

April 8, court		\$100.00
April 10, Gostin's salary		5.00
April 11, drew cash on account of court		50.00
May 17, transferred cash to Gostin for general expenses		125.00
April 27, fine for Indian		10.00
July 28, ticket for Indian		33.75
1909.		
January 2, Joe Clark, expense on account of procuring witnesses		100.00
January 22, typewriting		2.00
January 23, Kah-kah-to-the-quah		25.00
ticket for Indian		27.00
January 25, cash to Ah-ke-na-ma-tho		30.00
January 27, Joe Murdock, court		8.60
supplies for Indians		24.80
M. J. Bentley, on account incidental expense, court, Tecumseh		10.00
clerk district court, costs		50.00
February 8, Ma-ta-se-ah		19.60
paid horseshoeing bill; bill attached		22.00
paid W. W. Ives, certificate of deposit Bank of Commerce, \$1,000; draft, \$500		1,500.00

1909.

September 25,	drew through Bank of Commerce personal account American National, El Paso, to pay expenses of trip to Sonora, self and Indians-----	\$200. 00
	paid through American National Bank, per account Orson P. Brown, transportation of Indians-----	20. 00
	paid cash to Brown, same purpose-----	10. 00
	provision and subsistence in cash-----	15. 00
	paid July 3, 1908, G. W. W. Zozaza, subsistence and lodging for Field, Gostin, civil engineer, on account of inspecting land for Indians; see check July 3, 1908.-----	38. 00
	check American National, J. J. Boyd, stipend for tribe-----	92. 50
November 4,	horse for use of tribe, J. J. Boyd, by check-----	100. 00
June 27,	check American National, typewriting, Ruth Williams-----	4. 80
	paid Armour Packing Co., through American National, for meat, Oct. 20, 1908.-----	107. 41
	telegram ordering meat-----	. 50
July 25,	paid Armour Packing Co., through American National-----	98. 77
July 10,	check to J. W. Slaughter, cash advanced to Frank Hannan, account trip to Bacerac-----	25. 00
	paid to Willard Hotel, Shawnee, Feb. 4, board Indian witnesses-----	2. 80
	paid Miller Mitscher Co., cash, saddle chargeable to Wathecona-----	10. 00
	bridle for same, cash-----	2. 50
	packing case for checking articles purchased and transported to Indians, Oklahoma City to Douglas-dray-----	6. 00
	paid to blacksmith, Casas Grandes, shoeing K. horses Nov. 28, 1908.-----	. 50
	paid Johnson & Dickson, clothes for Te-ne-pah-hone, see bill-----	4. 50
	paid Frank Hanna, by deposit, Banco Minero, Juarez, Mexico, reimbursement for option paid on land; see certificate attached-----	20. 75
	paid J. A. Young, Dublin, Mexico, through American National, for feeding Indian stock, January and February-----	200. 00
	paid Dublin Mercantile Co., in cash, supplies for K--horse for Qua-to-qua-----	40. 00
	paid Boyd's restaurant, December, 1908, meals for Indians-----	130. 00
	paid cash to Nan-ni-toke, July 21, 1908.-----	30. 00
	hotel for Nan-ni-toke-----	13. 75
	ticket, Douglas, Ariz., to Shawnee, Okla.-----	5. 00
	paid myself balance due from prior settlement, see committee report, page 1706.-----	1. 00
	paid myself salary for period May 18, 1908, to May 19, 1909-----	33. 75
	paid myself per diem of \$2 per day in lieu of subsistence-----	8, 060. 09
	paid transportation, three trips to Mexico; tickets, \$44.60-----	1, 500. 00
	Pullman fare, each trip, \$4.50-----	730. 00
	transportation in Mexico, three trips from railroad to camp and return, \$15 per trip-----	133. 80
	three trips, car fare in Mexico, \$9.90 each-----	13. 50
	cash used at Tomachopo, taken in person by me, November, 1909, and used for labor, necessary items paid for in cash-----	45. 00
		29. 70
		480. 00

 13, 726. 62

Cash advanced in settlements in payment of Kickapoo debts since turning balance of community fund over to cotrustee (Okemah).

Since turning over to cotrustee, paid to Mah-kah-se-ah-----	\$799.00	
Paid to M. R. Lee for Kickapoos-----	1,285.15	
Advanced court expenses in Wah-nah-ka-tha-hah case-----	565.00	
Paid taxes and other expenses on account of Kickapoos in Mexico---	914.00	
Car fare and subsistence for Kickapoos, Mexico to Shawnee and return-----	105.00	
		3,668.15
Amount expended and paid to cotrustee-----	90,337.75	
		94,005.90
Total amount expended to date-----	94,005.90	
Trust fund-----	\$86,273.94	
Qua-to-qua, loan to trust fund-----	1,900.00	
		88,173.94
Mitscher notes, credited twice-----	2,000.00	
Refund by Shepherd-----	400.00	
		90,573.94
Paid in excess of trust fund-----	3,431.96	

Heretofore there has been some controversy over an item in my account of \$3,000 paid to Walter S. Field as an attorney fee for services rendered the Kickapoo Indians, which I paid out of the community fund, the contention being that I should have paid this \$3,000 out of my fee received from the other band of Kickapoos, known as Oklahoma Kickapoos, and who voted Mr. Thackery their trustee. The only claim by me personally from the Kickapoo Indians in Mexico would be the sum of \$431.96, conceding that Mr. Hanan, Senator La Follette's secretary and the attorney for the Kickapoos, might be correct. That there may be no controversy whatever, I yield this point, though I believe I was correct in my action in the payment referred to.

M. J. BENTLEY.

Senator TOWNSEND (referring to the statement submitted by the witness). That helps me out on this. It says here, "Paid my own salary for period May 18, 1908, to May 19, 1909, \$1,500."

Mr. BENTLEY. Yes; that is when I quit. That was the last year I was with the Kickapoos.

Senator TOWNSEND. It appears, then, you were drawing a salary?

Mr. BENTLEY. Never but the one year; the last year I was there I paid myself salary and expenses, and that is all I ever was paid; and I had no interest in any fund or anything else.

Senator TOWNSEND. Did you allow yourself any charges for that year?

Mr. BENTLEY. I allowed \$2 a day for hotel bills in lieu of subsistence. Of course, I charged up car fare from time to time.

Senator TOWNSEND. That was the only salary you ever received as salary?

Mr. BENTLEY. The only charge you will find anywhere any time.

Senator TOWNSEND. But you had the interest on the Indians' money?

Mr. BENTLEY. Oh, for a time I had the use of probably \$20,000 of their money. I made some little money out of it.

Senator TOWNSEND. You invested their money, did you, for yourself?

Mr. BENTLEY. In this way: I gave them my note for their money. For instance, I had about \$6,000 of one old widow's money, and she

had notes of \$500 each coming due each six months, and I paid them one after another, \$1,000 a year.

Senator TOWNSEND. You were acting as trustee and held this fund as trustee, and then you took notes from the parties?

Mr. BENTLEY. I gave my note.

Senator TOWNSEND. I should say you gave your note to the parties whose money you had? Some of the parties.

Mr. BENTLEY. Yes, sir.

Senator TOWNSEND. Did you not use any money for your own benefit aside from that you gave your notes for?

Mr. BENTLEY. There was no tribal fund then, Senator. At that time these were individual moneys, just like you would loan me a sum of money or leave it with me in trust, that I would do as I pleased with because I had to pay it back.

Senator TOWNSEND. You had to pay it all back, then, that you held as trustee?

Mr. BENTLEY. I have paid all the money I ever held as trustee, and all the money I ever held as trustee to the individuals except \$800.

Senator TOWNSEND. Now, did the Indians ever receive from you any interest on any of this \$86,000 which you had which was not expended directly for them?

Mr. BENTLEY. No; for I never drew any interest on it.

Senator TOWNSEND. What do you mean by saying that you had it out at interest at 5 or 6 per cent?

Mr. BENTLEY. Senator, that was individual Kickapoo money that I held.

Senator TOWNSEND. Up to \$20,000?

Mr. BENTLEY. I think a little more, perhaps, for a little time. The Indians were very fickle; they would not let you keep their money very long. I kept it for them as long as I could. I made them take as little of it as I could, because if you did not in a few weeks it would be gone.

Senator TOWNSEND. If I understood you correctly, Mr. Bentley, Mr. Field received \$5,000 of that \$28,000 fee—

Mr. BENTLEY. That is a question. When I came to Washington after I gave up the trusteeship I turned the balance of the fund in my hands over to my cotrustee and came here for settlement, as I had said to the committee I would do.

Senator TOWNSEND. When was this?

Mr. BENTLEY. That was some two years ago. It was a disputed item whether I should have paid Mr. Field out of my fee or have paid him the \$3,000 I did out of the Kickapoo fund. That was a disputed item. My checks and vouchers show that I had overpaid the \$86,000 by that amount, still leaving a balance of \$1,000 or so due me—

Mr. THACKERY. May I suggest one point there? The council proceedings were in writing involving the disposition of this \$215,000. If I remember rightly, that sets out definitely that the 12½ per cent which went to him—it should be understood that that must pay all attorneys' fees of every description.

Mr. BENTLEY. That was any attorneys' fees of any description relating to the getting of that money.

Senator TOWNSEND. Go on with your explanation. I would rather you would not interrupt.

Mr. BENTLEY. I wanted to clear my hands of this thing. I had worked for years for nothing. I had left my wife and family there alone. I was in bad health.

Senator TOWNSEND. Now, I am going to assume that is so. I do not want to question your motives in that way.

Mr. BENTLEY. To get this thing off my hands and have no controversy with anybody, I conceded that I would consider that as paid out of my fee—the \$3,000. And therefore, conceding that, it leaves this account overpaid \$2,000 or \$3,000 actually. I settled this at a time I could not get to my books.

Senator TOWNSEND. You testified a little while ago that out of this \$28,000 you paid Mr. Field \$5,000, and paid somebody else \$12,000 and something?

Mr. BENTLEY. \$12,250.

Senator TOWNSEND. Now, I want to know if that is all you paid Mr. Field?

Mr. BENTLEY. That is all that I have ever paid him out of that fund—out of my fee.

Senator TOWNSEND. Have you paid him out of any other Indian moneys anything more?

Mr. BENTLEY. Mr. Field has made numerous trips to old Mexico during these various raids and prosecutions and persecutions down there, and I paid him from time to time when he came, sometimes his expenses and a couple of hundred dollars, sometimes as much as \$500. It was nothing that had anything to do with this \$215,000. It was services rendered in land cases and litigation.

Senator TOWNSEND. Now, as trustee, have you received money from the Indians other than that \$86,200? Have you taken their money that they have earned or accumulated in the process of their work down there, farming, stock raising, etc.? Have you taken that money also as their trustee?

Mr. BENTLEY. No, sir; I have never had anything to do with their affairs there in Mexico in that kind of way. They transact their own business as individuals.

Senator TOWNSEND. Was that in your account? These checks that constitute your account simply show your transactions with them as represented by the \$86,200?

Mr. BENTLEY. Yes, sir.

Senator TOWNSEND. That is exactly what your account stands for, is it?

Mr. BENTLEY. Yes, sir.

Senator TOWNSEND. Now, the other moneys that you have received from them you have borrowed and given your note for?

Mr. BENTLEY. Individuals, and paid them back.

Senator TOWNSEND. Have you mixed that money with your own?

Mr. BENTLEY. No, sir.

Senator TOWNSEND. Have you kept it in a separate account?

Mr. BENTLEY. What I mean is this, I have had—for instance, at the time this account in this Affairs of the Mexican Kickapoo Indians was rendered—

Representative BURKE. Let me ask you a question there. The \$86,200 that went into your hands as trustee was after the \$28,000 had been deducted, was it not? That was the net amount?

Mr. BENTLEY. The total amount received by me was \$86,276.94.

Representative BURKE. That was after the \$28,000 had been deducted?

Mr. BENTLEY. Yes. I had nothing to do with the deduction.

Representative BURKE. Out of the \$28,000 you gave Powell \$12,250, and you gave Mr. Field \$5,000, did you not?

Mr. BENTLEY. Well—

Representative BURKE. Did you or did you not?

Mr. BENTLEY. I don't know; it is a question. I did not intend to. I only intended to give him \$2,000, but it was said that I should not have paid him more out of the community fund.

Representative BURKE. If you did not give him \$5,000, then you must have \$3,000 more yourself than you stated here awhile ago.

Mr. BENTLEY. Well, I have overpaid the \$86,000 by several thousand dollars. For the purpose of a settlement I was willing to concede that I should have paid it out of my fee. I don't know any other way to explain it.

Representative BURKE. I want to ask you now, as a matter of fact, if one of the first checks that you drew on this \$86,000 was a check of \$3,000 to Mr. Field for past services?

Mr. BENTLEY. No.

Representative BURKE. Then, this account is not correct.

Mr. BENTLEY. It surely was not.

Representative BURKE. I want to call your attention to this item on the first page of your account. [Handing the statement to the witness.]

Mr. BENTLEY. The first check—

Representative BURKE. Not the first check; it is on the first page.

Mr. BENTLEY. It may be on the first page, but it is not the first thing I paid.

Representative BURKE. I understand that; it is among the first.

The CHAIRMAN. What date is that?

Representative BURKE. It was in June.

Mr. BENTLEY. It may have been after June. I have an idea it was in August that I gave that check. It was not at that time, I know; it was away afterwards.

Senator TOWNSEND. Did you buy any stock for the Indians, or implements, or anything, with that \$86,200?

Mr. BENTLEY. Oh, I bought mules, horses and wagons, and harness.

Senator TOWNSEND. Can you tell from your account how much you spent for horses, mules, and wagons?

Mr. BENTLEY. Just exactly. If you will pardon me, and I may have that, I will show you.

Senator TOWNSEND. If it shows that, that is all I wanted to know.

Mr. BENTLEY. Yes, sir; it shows exactly there—so many dollars paid to such a man for wagon or harness. It shows what it was for.

Senator TOWNSEND. Does this account show how much of this \$86,200 you deducted—which I am going to concede you had the right to do—for money expended for these Indians?

Mr. BENTLEY. Yes, sir.

Senator TOWNSEND. And when?

Mr. BENTLEY. It shows exactly.

Senator TOWNSEND. Does this account show when?

Mr. BENTLEY. Yes, sir; I think you will find the date there.

Senator TOWNSEND. June 8, it says, but no other date.

Mr. BENTLEY. That was probably paid at some other date. I disbursed this money through so many banks—

Senator TOWNSEND. The first two or three pages there is no date at all.

Mr. BENTLEY. Of course, the stenographer neglected, probably, to put that on there.

Senator TOWNSEND. Do the Indians owe you anything now?

Mr. BENTLEY. I think they owe me about \$3,000; maybe \$3,500.

Senator TOWNSEND. Can you tell whether they do or not?

Mr. BENTLEY. Yes; the way I figure it they do.

Senator TOWNSEND. How can you tell?

Mr. BENTLEY. I think I beat myself out in my settlement I figured myself out of \$3,800. I had borrowed from individual Indians—for instance, here was one woman I owe \$1,900 of borrowed money. I expended all that money for all the Indians. There are others I owned money that I had expended for the Indians, some \$4,000. When I received the \$86,000 I should have paid all of that. Where I had taken the individual Indian's money and used it for all the Indians and none of it in any way myself, of course, it should have been paid out of that general fund. But in the confusion of the time when I tried to close up my account and turn it over to my cotrustee to keep this from going into the court's hand I overlooked that. I never paid but \$250 of that out of the \$86,000. I should have paid four thousand and some ninety-six or forty-six dollars.

Senator TOWNSEND. You were depositing money at different times?

Mr. BENTLEY. Yes.

Senator TOWNSEND. Money that you had received from some source. Do you know where you received that money?

Mr. BENTLEY. I kept a very careful account. If I owed Mary Pen-e-tho \$4,000, and if I had her money in a certain bank there and I wanted it for the Kickapoos, why, I charged that up to the general fund, and naturally when I paid Mary back I would take it out of that and pay it.

Senator TOWNSEND. Did you take up the \$86,200 as one side of your ledger account, and all the money you expended on the other side?

Mr. BENTLEY. Surely.

Senator TOWNSEND. Now, you had more than \$86,200, hadn't you? You kept depositing money you received from different sources, so that you received more than \$86,200?

Mr. BENTLEY. You see, Senator, this became a separate and distinct account. After I got the \$86,000 I never received from any source any money except that a woman put \$1,900 into the fund, and you will find that charged to myself there in this account.

Senator TOWNSEND. In looking it over the thing that bothers me is that there is an opportunity here—I am not saying that you have been dishonest; I do not know, but it looks to me as if there is an opportunity here for keeping accounts in such a manner that it would be absolutely impossible to find out whether they have been correctly kept or not. You have mingled moneys back and forth.

Mr. BENTLEY. Senator, I have had no business of my own. I have been in no business.

Senator TOWNSEND. Oh, but you have.

Mr. BENTLEY. Not during the time I have been handling this money; no business whatever. I have had no partners. I have had no other interest.

Senator TOWNSEND. You have borrowed money from them and given notes.

Mr. BENTLEY. Not since I got this money; absolutely no.

Senator TOWNSEND. That was before?

Mr. BENTLEY. That was before. No, sir; absolutely no. I got money, Senator, when I was moving these people—that six months of moving.

Senator TOWNSEND. That was before you received the money?

Mr. BENTLEY. Surely. I got money anywhere I could. I even came clear here to Washington. I came here and went to 10 Senators of the United States and got letters from them. I went to the Mexican ambassador and got letters to the governor of the State of Chihuahua.

Senator TOWNSEND. That answers my question as far as that is concerned. I understood you had borrowed some money, and I had supposed you had been borrowing money from these Indians and giving them your note for it since you got this money.

Mr. BENTLEY. No.

Senator TOWNSEND. None at all?

Mr. BENTLEY. Absolutely no. There were some notes out, possibly, that I have paid off.

The CHAIRMAN. You were asked by Representative Carter about some telegrams which you sent and received in 1906. It is getting pretty late, but there are a number of questions I wanted to ask you about some telegrams. I shall be glad to have you return later, or answer the questions now.

Mr. BENTLEY. As you please.

The CHAIRMAN. Did you send a telegram of May 30, 1906, from Muzquiz, to Chauncey A. Richardson, United States Senate, Washington, D. C., as follows:

Wire me present status Indian bill. Mexican authorities did me.

M. J. BENTLEY.

Mr. BENTLEY. That must be a misprint. I never sent a dispatch that the Mexican authorities did me. That is a misprint. I may have sent him some telegram, but not intending to use that language. What date is that?

The CHAIRMAN. May 30, 1906.

Mr. BENTLEY. No; I think that is an error in translation or something.

The CHAIRMAN. To refresh your memory, on the day that the order was made by the jefe politico to put you in jail down there, do you recall sending a telegram to Richardson?

Mr. BENTLEY. I may have.

The CHAIRMAN. Who was Richardson?

Mr. BENTLEY. Chauncey Richardson is a lawyer here in Washington. He has an office here somewhere. He is a little lame fellow.

Representative BURKE. Clerk to the Senate Committee on Indian Affairs?

Mr. BENTLEY. I think at that time, or soon before it, he had been clerk of the Senate committee, and I am rather inclined to think he was yet.

The CHAIRMAN. The Senate Committee on Indian Affairs?

Mr. BENTLEY. Yes.

The CHAIRMAN. Why were you communicating with him?

Mr. BENTLEY. Probably because I wanted to know about something up here or to tell him something about conditions. I was very friendly with Mr. Richardson. He is a nice clever little fellow.

The CHAIRMAN. Do you remember receiving a telegram dated Washington, May 31, 1906:

M. J. BENTLEY, *Muzquiz*:

Bill not passed yet. What is situation there?

SAM POWELL.

Mr. BENTLEY. Candidly, I had forgotten, but I am not surprised to learn that there was such a telegram, because Mr. Powell, while he had no great interest in that matter in any way whatever, yet I know he had a very kindly interest in the outcome of it.

The CHAIRMAN. That was the Sam Powell that received the \$12,000 and some?

Mr. BENTLEY. Yes. He was working with me on the Kickapoo claim matter.

The CHAIRMAN. Do you remember sending the following telegram:

Muzquiz, May 31, 1906.

SAM POWELL, *House Indian Committee*:

Mexican authorities eject wolves from Kickapoo camp. My control absolute.

M. J. BENTLEY.

Mr. BENTLEY. Yes. If the Senator will pardon me, I will explain how I came to send that.

(At the request of the witness the clerk to the commission read the following telegrams, pages 26 and 27, Senate hearings of 1907:)

ADA, IND. T., May 23, 1906.

HENRY M. TELLER,

Care of United States Senate, Washington, D. C.:

Senate amendment 136, line 15, strike out "sale and incumbrance" and add the word "leasing." Indian agent in Mexico trying to defeat the object of Congress with large party of white men. If permitted to sell, plan failure. If permitted to lease, best interest of Indians subserved. Wire quick ticket agent, Denton, Tex. My arrest planned by Government--help enemies rob Indians of their lands. On way Mexico.

M. J. BENTLEY.

ADA, IND. T., May 23, 1906.

W. S. FIELD,

620 Colorado Building, Washington, D. C.:

See my telegram to Teller. Thackery, Outcalt cooperating with Grimes. My arrest planned so they can rob Indians. Knock out "sale" and insert "leasing."

M. J. BENTLEY.

Mr. BENTLEY. Those two telegrams were sent here, notwithstanding my winter's work. When I learned Mr. Thackery had gone down there, I knew it was the same old fake investigation. They would come down there in the advance of the passage of that law to defeat its object. I wired everybody. I did not want that act passed when it was passed. I tried to defeat it.

The CHAIRMAN. I thought you said you initiated the passage of it?

Mr. BENTLEY. I did, until I found it was going to be the same old scheme over again.

The CHAIRMAN. You discovered in advance of the passage of the act that it was going to be used as a means of defrauding the Indians?

Mr. BENTLEY. When I learned that Outcalt and Thackery had gone down there—an agent of the department had put me in prison the year before and had me disgraced, and I knew it would be a repetition. There was nothing to investigate. Every Indian had testified before. It was just a scheme to get down there and defeat these Indians in their purpose to acquire a home. Therefore I sent these telegrams in the hope of getting these men who believed this thing should be done to defeat it. But they would not listen, and the Indians were robbed. No doubt I did probably send a telegram to Powell to go and see others and knock it out, rather than have the Indians subjected to any such danger.

The CHAIRMAN. Did you receive this telegram:

WASHINGTON, D. C., May 30, 1906.

MARTIN J. BENTLEY, *Muzquiz*:

Conference report before Senate not yet confirmed, but in no danger.

MOSES E. CLAPP.

Mr. BENTLEY. Yes.

The CHAIRMAN. Was that in response to a telegram you had sent to him?

Mr. BENTLEY. I do not think so.

The CHAIRMAN. Do you know how he came to wire you that?

Mr. BENTLEY. No, sir; I really do not.

The CHAIRMAN. Had you wired Senator Clapp about the conference report?

Mr. BENTLEY. If I did, I do not recall it. I had wired him to knock out this amendment.

The CHAIRMAN. Did you have any answer from him as to whether the amendment had been knocked out?

Mr. BENTLEY. I think I had an answer from somebody that had been to see him—he appeared to think I must have “buck ague.”

The CHAIRMAN. Did you send this:

MUZQUIZ, MEXICO, May 25, 1906.

SAM POWELL,

National Hotel, Washington, D. C.:

Looks good here. Big council to-morrow. Indians standing pat.

M. J. BENTLEY.

Mr. BENTLEY. I expect I did. That is exactly what I would have done, because I found the Indians were determined in their purpose. Then if the prestige of the United States had not been used to break down the defense I had there, pitting me there alone, I still would have protected those Indians.

The CHAIRMAN. Did you get this telegram:

WASHINGTON, D. C., June 21, 1906.

M. J. BENTLEY, *Muzquiz, Mexico*:

Indian bill signed. No change. Attend to matter of checks by wire.

SAM POWELL.

Mr. BENTLEY. I may have.

The CHAIRMAN. What was the matter of the checks?

Mr. BENTLEY. I had agreed with Mr. Powell when I left Washington to collect some money I had in Oklahoma, to pay him some expense money here.

The CHAIRMAN. You had him employed, had you?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Employed on a salary?

Mr. BENTLEY. My agreement with Powell was not on a salary, and it was a favorable agreement—to pay him certain expenses. It was expense money or something. I do not recall just the particulars, but I was to deposit some money somewhere.

The CHAIRMAN. Did you get this telegram:

WASHINGTON, June 23, 1906.

M. J. BENTLEY, *Muzquiz, Mexico:*

Answer former message. We will know what to do. Tired.

SAM POWELL.

Mr. BENTLEY. I have no recollection of that telegram.

The CHAIRMAN. Did you keep the telegrams, Mr. Bentley, that you received?

Mr. BENTLEY. Senator, my papers in the raid in Mexico were almost all of them lost. One great trunk full there—I never got it.

The CHAIRMAN. Now, coming forward in the matter of the telegrams, did you send this telegram?

WASHINGTON, D. C., March 12, 1908.

LEE PATRICK,

Care of J. B. Charles, Stroud, Okla.:

Thackery wanting trouble, getting Kickapoos to protest, council his office to-morrow, call him off.

M. J. BENTLEY.

Mr. BENTLEY. I think I did.

The CHAIRMAN. Did you also send this telegram:

WASHINGTON, D. C., March 12, 1908.

J. B. CHARLES, *Stroud, Okla.:*

Senator says to have Thackery called off to-morrow.

M. J. BENTLEY.

Mr. BENTLEY. I think I did.

The CHAIRMAN. What Senator did you refer to?

Mr. BENTLEY. Well, I really don't remember.

The CHAIRMAN. What did the Senator have to do with it?

Mr. BENTLEY. I would have to refresh my memory.

The CHAIRMAN. You remember sending the telegram?

Mr. BENTLEY. I remember wiring to Charles and to Patrick both—or rather, my impression is now that the chances are the telegram to Charles was a bluff of some kind. We had a Kickapoo Senator here at that time, and it was probably him I had reference to.

The CHAIRMAN. Who was he?

Mr. BENTLEY. Johnny Mine.

The CHAIRMAN. Your mention of "Senator" in that telegram then referred to a Kickapoo "Senator"?

Mr. BENTLEY. Yes; I think so.

The CHAIRMAN. What makes you think so?

Mr. BENTLEY. I have not any reason to believe that there was any condition, any reason why I would have any right to make any such reference.

The CHAIRMAN. That is what I am trying to find out.

Mr. BENTLEY. I don't think I had any other in mind probably.

The CHAIRMAN. According to your statement, you were trying to beat the game?

Mr. BENTLEY. I would not want to play cards with a man and let him beat me.

The CHAIRMAN. Referring to the matter of your transactions with individual Indians, did you borrow \$2,000 from Emma Garland?

Mr. BENTLEY. At this time, from memory, I would hardly want to attempt to say. I can tell you, however, the termination of the Emma Garland transaction. I think originally, Senator, I had more of her money than that, because I paid her \$1,000 at one time.

The CHAIRMAN. Don't you remember whether you borrowed \$2,000 from her?

Mr. BENTLEY. I think I had more than that. When she died I think I might have had to use here, it seems to me, seventeen, eighteen, or maybe nineteen hundred dollars. I never borrowed any; she came and left it at my home—I can not say definitely, but I think \$3,000, perhaps \$4,000.

The CHAIRMAN. Did you give her this receipt:

Due Emma Garland the sum of \$2,000. Payable at convenience of payor.

M. J. BENTLEY.

Mr. BENTLEY. Yes, sir; but I want to explain the conditions under which I paid that. Emma Garland had my note in proper form for \$2,000. At the time I gave it to her I paid her \$300 or \$400 in American money, and she went into a restaurant, and somebody stole her purse, and my note went with it. One day I met her in the customhouse on the Mexican side at Ciudad Porfirio Diaz, and she wanted another note. I said, "Now, I will give you a receipt or something to show for your money." And that is the second note or receipt, or whatever it might be called.

The CHAIRMAN. While that fight was going on about the \$215,000 you had a libel suit against Thackery, did you not?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you offer to dismiss that suit if Thackery would let you control the council?

Mr. BENTLEY. I don't know whether I did or not.

The CHAIRMAN. Why don't you know?

Mr. BENTLEY. I don't know, for the reason—I am not clear on that. I think that J. B. Charles, or some of his friends, came and made negotiations, and there was so much confusion at that time I don't know just what was proposed. I won't be certain. I know one thing, that I would have done almost anything in the world to have got for those Indians the full benefit of the \$215,000.

The CHAIRMAN. And you may have made that proposition?

Mr. BENTLEY. I may have. I won't say whether I did or did not. I don't know.

The CHAIRMAN. Did you enter into a contract or deal with Grimes, that land buyer, under the act of 1906 to pay him \$10,000 for control of the council?

Mr. BENTLEY. No, sir; I never did.

The CHAIRMAN. Did you have any transactions or dealing with Grimes about that?

Mr. BENTLEY. I would have to refresh my memory.

The CHAIRMAN. Can you do that? Do you think you can refresh your memory between now and the next meeting?

Mr. BENTLEY. I think so. I think I can tell you exactly.

The CHAIRMAN. Where are your original checks and vouchers which you took when you disbursed this \$86,000 fund?

Mr. BENTLEY. The last I knew of them, Senator, they were at Shawnee, Okla., at my country home, in a—well, it is a room where I keep papers and valuables. It was intended for a bathroom, and there are some drawers and other receptacles there for papers, and when my family left there a few months ago my papers, so far as I know, were left there. I will say that it is a wonder if they are there, because I had supposed this was a closed incident. I had been here and my checks had been gone over, and I did not expect it would ever be reverted to again. Had I had any suspicion or thought it would have come up again I would probably have taken better care of it.

The CHAIRMAN. Do you know whether or not they are in the possession of your wife now?

Mr. BENTLEY. They are really not in the possession of anybody. We have left our home there—left it furnished.

The CHAIRMAN. Did I misunderstand you when I understood you to say that she did have your checks and vouchers?

Mr. BENTLEY. Yes; she is the only person that does know. Now, in moving, of course, I say we left everything. We moved our clothes and some few things, and I don't know really—

The CHAIRMAN. Where is she now?

Mr. BENTLEY. She is at Fitzhugh, Okla., in the Chickasaw Nation. Our son lives there, and she is there with him. By train it is half a day to Shawnee. It is only a little way, but it takes a long time to get around there. I think she would probably be willing to go there and get them. I am very willing to have them brought here, but she is so disgusted—I have wasted so much money and deprived my family so long of money they should have had fighting for these Kickapoos that she has no more patience with me or the Indians either. I don't believe she would spend a cent to get all the papers on earth, or that she cares anything except to wish she had never heard of it.

The CHAIRMAN. There are one or two other questions I want to ask you, but it is so very late.

Representative BURKE. I want to ask him a few questions before he leaves.

Mr. BENTLEY. I am going to be here for some days.

Representative CARTER. I want to ask one or two questions now. I believe you said you bought 300 acres of land in the Choctaw Nation?

Mr. BENTLEY. A half section; yes, sir.

Representative CARTER. Where is that located?

Mr. BENTLEY. Near Fitzhugh, Okla.

Representative CARTER. That is in the Chickasaw Nation.

Mr. BENTLEY. Yes; Chickasaw.

Representative CARTER. Whom did you buy it from?

Mr. BENTLEY. I bought it from the heirs of, I believe, Elsie Anderson, away back before the laws were changed, when the heirs of deceased persons could make a title; 1902, I think it was, when there were so many dead claims.

Representative CARTER. Did you have it probated?

Mr. BENTLEY. No; only a part of it.

Representative CARTER. Was it approved by the Secretary of the Interior?

Mr. BENTLEY. No.

Representative CARTER. You have not any title, then?

Mr. BENTLEY. I don't know. I paid \$5,000 for it anyway.

Representative CARTER. Whom did you say you bought it from?

Mr. BENTLEY. I bought it from these heirs. One 80 was probated, and the attorney who wrote the deed wrote two deeds for one 80 and left the other out, though I paid \$1,250 for it.

Representative CARTER. I mean who were the grantors?

Mr. BENTLEY. Of the half section, the east 80 was intermarried surplus, and it seems to me Lizzie Anderson was the name of the allottee. It was an old Indian woman that died in the penitentiary.

Representative CARTER. And the balance was an inherited estate?

Mr. BENTLEY. It is all inherited except one 80.

Representative CARTER. You said one was an intermarried surplus.

Mr. BENTLEY. One 80. Three other 80's were dead homesteads. I have been told that the dead homestead was good up to nineteen hundred and something.

Representative CARTER. Did you exercise the same precautions about titles when you were buying land for the Kickapoos as you did when you were buying land for yourself?

Mr. BENTLEY. No; because I was a foreigner over there, and I got the best attorneys I could find. I did not take any chances.

The CHAIRMAN. We are unable to fix a day now when we will resume, but you will be notified.

(Thereupon, at 11.50 o'clock p. m., the joint commission adjourned to meet at the call of the chairman.)

KICKAPOO INDIANS
SERIAL TWO

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

MAY 8, 13, AND 18, 1914

PART 13

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

CONGRESS OF THE UNITED STATES.

SENATORS:

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES:

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

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KICKAPOO INDIANS.

FRIDAY, MAY 8, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in room 128 Senate Office Building at 8 o'clock p. m.

Present: Senators Robinson (chairman), Townsend, and Lane; Representatives Carter and Burke.

TESTIMONY OF MR. MARTIN J. BENTLEY—Resumed.

The CHAIRMAN. Mr. Bentley. Mr. Burke wants to ask you some questions.

Representative BURKE. Mr. Bentley, when did you come to Washington the first time when you had any business before any committee of Congress concerning the Mexican Kickapoo Indians?

Mr. BENTLEY. It was at the time when Senator Pettigrew was chairman of the Senate committee, as I recollect.

Representative BURKE. Some time about 1896?

Mr. BENTLEY. I think so; I think that was my first appearance here.

Representative BURKE. How many years continuously have you been at Washington during the sessions of Congress when you were here on some business concerning this tribe of Indians?

Mr. BENTLEY. Well, I would hardly be able to say.

Representative BURKE. As nearly as you can?

Mr. BENTLEY. From 1896 to 1901, of course, I was the agent in charge of them.

Representative BURKE. From that time on?

Mr. BENTLEY. And then when I left the service—I think I was here in 1904.

Representative BURKE. All right. 1905?

Mr. BENTLEY. I was here, I am certain, in 1905.

Representative BURKE. Well, go on.

Mr. BENTLEY. In 1906—I think in 1907 and 1908. Then there was one year perhaps that I was not here; maybe two; 1912 I was here and 1913, as I recollect.

Representative BURKE. Then you have been here practically every year from 1901?

Mr. BENTLEY. No.

Representative BURKE. Well, what years haven't you been?

Mr. BENTLEY. My recollection is—I may have come here in 1902, but not on any Indian matter. I came here in connection with some post-office matters. I think there have been two or three years since 1904 that I have not been here. I won't be certain.

Representative BURKE. Now, in 1905 part of your business here was to secure the removal of restrictions from seven allottees in the Kickapoo Reservation in Oklahoma whose land had a value, from your testimony the other night, of somewhere about \$65,000?

Mr. BENTLEY. Yes; I think it surely had that value.

Representative BURKE. Now, you initiated that legislation, did you not?

Mr. BENTLEY. Well, it might be so considered. The Indians sent me here to get it.

Representative BURKE. Now, what did you do at that time?

Mr. BENTLEY. Well, I just talked to Members of Congress about it and related the conditions.

Representative BURKE. Did you appear before any committee of either the House or Senate with reference to that matter?

Mr. BENTLEY. It seems to me that I either appeared before the full committee or the subcommittee. I know Senator Stewart was chairman of the committee at that time, and I talked with him a good deal about it.

Representative BURKE. Was that amendment put in the bill in the Senate?

Mr. BENTLEY. I do not know. I was not here; I left here the day before it passed, so I don't know.

Representative BURKE. You say you left here the day it passed. It must have been reported before it passed, was it not?

Mr. BENTLEY. My recollection of it is that when I left here the Indian appropriation bill was still being considered. It had not passed. It is my recollection now that the bill was in conference.

Representative BURKE. At the last hearing before this you made the statement that Commissioner Leupp appeared before the committee of the Senate, and seemed considerably excited over some provision in the bill with relation to the removal of restrictions, and you gave the impression that it had reference to this matter, and that the result of it was a provision went out of the bill that proposed to remove the restrictions from some Quapah Indians.

Mr. BENTLEY. I do not think I intended to give that impression. It was some item about the Quapahs. I was told by some members of the conference, or some member of it—I think, two of them—about Mr. Leupp having come in. Of course, I am only testifying about what was told me by—I think it was Senator Stewart himself, perhaps.

Representative BURKE. Now, to refresh your memory, I want to call your attention to the fact that in the bill as it passed the House there was a provision proposing to remove the restrictions from two Quapah allotments, one containing 3 acres and one 28 acres; and the record shows that in the committee of the Senate, when the bill was reported, the bill was amended by that provision being stricken out, and the bill passed the Senate in that form, and there was no provision in the bill when it passed the Senate removing the restrictions from the seven Kickapoo allotments.

Now, it appears that in the conference the item that was stricken out in the Senate as to two Quapah allotments was reinserted, and attached to that provision was a provision removing the restrictions from the seven allotments of the Kickapoos. So it was done, if

it was done at all by any committee, in conference. Have you anything to say as to that?

Mr. BENTLEY. Of course, I don't know. I was not—

Representative BURKE. Now, attached to that provision was this language: "Satisfactory evidence having been produced in each case that the persons to whom patents are issued are qualified to take care of their own interests."

Mr. BENTLEY. I never submitted any such statement.

Representative BURKE. Now, you stated the other night—and I understand that it is your position at this time—that it was claimed that these Indians were competent to manage their own affairs, and you made the statement that they were not.

Mr. BENTLEY. I have always so stated to everybody, before every committee, anywhere and at any time. I have no recollection—I am very certain that I never made any such representation as to any Kickapoos, and as evidence of that, if you will permit me, I desire to read to this committee just one paragraph—

Representative BURKE. Now, Mr. Chairman, I think we will get along more rapidly and I can get through much quicker if Mr. Bentley answers these questions.

The CHAIRMAN. Oh, yes.

Mr. BENTLEY. I am very willing to do so.

Representative BURKE. And then if he wants to make a speech after he gets through I shall not object.

Mr. BENTLEY. I am very willing.

Representative BURKE. I simply wanted to put in the record what the fact is with regard to that transaction. Immediately following that these lands in the Kickapoo Reservation of the value of \$65,000—some portion of the allotments, if not all of them—were immediately conveyed by the Indians to you or Mrs. Bentley?

Mr. BENTLEY. Only two of them were conveyed.

Representative BURKE. Two of them were conveyed?

Mr. BENTLEY. To Mrs. Bentley; yes, sir.

Representative BURKE. And conveyed absolutely?

Mr. BENTLEY. Warranty deed; yes, sir.

Representative BURKE. Now, you next appeared before committees of Congress in 1906? Is that correct?

Mr. BENTLEY. Yes; I think so.

Representative BURKE. And at that time your business here was to secure legislation removing restrictions from the allotments of these Indians who had removed to Mexico?

Mr. BENTLEY. Not exactly. That was not exactly what brought me here.

Representative BURKE. Is not that what you did?

Mr. BENTLEY. That, in fact, was the result; but that was not what brought me here. I think I should be permitted to explain that. The investigation by the Indian Bureau of the matter of the seven allottees in Mexico—the testimony taken by officers of the Indian Bureau of those first seven, which was done through a Mexican court—resulted in such outrages down there that I came here before the committee, as the record will show, to protest against that and also against the repeal of the law. The committee, after hearing my testimony and going into an investigation of the alleged outrages to the Kickapoos down there by officers who came there to investigate—

out of those hearings grew the act of 1906. Congress went on farther with it and removed them all; that is, attempted to remove the restrictions as to all of them in Mexico.

Representative BURKE. Was that legislation put in by the Committee on Indian Affairs in the Senate, if you know?

Mr. BENTLEY. Now, I would have to think a moment. Hearings were had before the full committee of the Senate—and they covered some days and a considerable record—as to the act of 1905. Following that, I think, the act of 1906 may have been offered as a committee amendment on the floor of the Senate.

Representative BURKE. What is your best recollection as to that?

Mr. BENTLEY. My recollection is—well, I am not clear on that; but it occurs to me now that it had been discussed in committee and was offered as a committee amendment in the Senate.

Representative BURKE. Do you know whether it was discussed in the committee or not? Did you discuss it in the committee or did you talk with some member of the committee merely?

Mr. BENTLEY. My recollection is that the matter of removing all their restrictions, and the land that we wanted to buy—I think I described the ranch. In fact, I recall—my recollection is that Congressman Slayden and others were called to give testimony as to the land. That is my recollection.

Representative BURKE. I think I can refresh your memory here in a moment. [After a pause.] I do not find the record; but for the purpose of refreshing your memory I will say that, unless I am mistaken, and I am certain I am not, it was put in on the floor of the Senate just before the bill passed, as these matters frequently do get into bills; and I wanted to find out from you, if I could, whether it was considered and brought to the attention of the full committee or whether you simply talked with some one member of the Senate committee.

Mr. BENTLEY. Oh, it is my recollection that there were very full hearings; because, if I am not incorrect, Senator Clapp stated on the floor of the Senate that days had been consumed in the consideration of the very matter. That is my recollection. I think I have a quotation somewhere from that record.

Representative BURKE. Now, following that legislation, how many deeds did you obtain of land in Oklahoma belonging to Kickapoo Indians, or where the title was taken by your wife or by some one of your selection, or by any association of which you were a part?

Mr. BENTLEY. Well, it is my recollection that there were two deeds only taken to Mrs. Bentley, and she was present. That was Ah-kis-kuck's and his wife's deed, and they were so taken because the Indians themselves insisted upon making the deed to her. That is my recollection of the matter. But I think one more—as to the exact number of deeds taken to Mr. Ives, the trustee for the Kickapoos, to transfer these lands, I could not give you the exact number. We paid usually \$100 apiece. I paid the debts of the Indians, and I paid them on those 42—42 deeds, it must have been, because my settlement shows \$13,000 paid to Indians on account of 42 deeds. But, mind you, those lands had already been deeded.

Representative BURKE. I understand; but you are willing to admit that there were as many as 42?

Mr. BENTLEY. That is my recollection, and I think that is correct.

Representative BURKE. And if you testified before the subcommittee of the House committee in 1912 that there were 55 or 60, do you think you were mistaken?

Mr. BENTLEY. Well, I probably was, because I was probably testifying from my best memory.

Representative BURKE. You are testifying from your recollection now, are you not?

Mr. BENTLEY. My notice was called lately to reviewing my accounts and there I find 42 Indians—"42 Indian deeds, paid to grantors \$13,000." I judge from that that must have been the number.

Representative BURKE. These deeds were also taken without any conditions so far as the face of the deed is concerned?

Mr. BENTLEY. That is true; but behind them always was a declaration of trust in proper form.

Representative BURKE. Who held that declaration of trust?

Mr. BENTLEY. There were two of them; that is, it was made in duplicate. Mr. Field, the attorney of the Kickapoos, held one of them, and the Border National Bank, for the Kickapoo Council, held the other. They were there in escrow, is my recollection.

Representative BURKE. In what form were they executed?

Mr. BENTLEY. I have copies of them in the record here.

Representative BURKE. Where are the originals?

Mr. BENTLEY. They were submitted to the committee investigating the affairs of the Kickapoos with the other papers, and I think perhaps were returned to Mr. Field, but I do not know. The originals were submitted to them. They were the usual form of declaration of trust, and were acknowledged—I am certain that the ones I made and those that Mr. Ives made, at least, were; I think they all were.

Representative BURKE. Now, following the legislation of 1906 you came to Washington again, did you not, for the purpose of looking after matters in which the Kickapoo Indians were concerned?

Mr. BENTLEY. Yes; I came. Following the act of 1906 I came here in the interest of getting a settlement with the Government, getting a claim that the Kickapoos had. That was the \$215,000 item.

Representative BURKE. That was presented to two or three sessions before it was finally passed, was it? Do you remember?

Mr. BENTLEY. Well, I think it had been in the Indian bill several times, a little different. We had tried for some years to get an act to go to the Court of Claims—the consent of the Government to sue—is my recollection. But it went out of the bill in the Senate, I think.

Representative BURKE. Was there ever an item in the bill at any time that proposed to send it to the Court of Claims? And for the purpose of refreshing your memory, let me ask you if there was not a provision in the bill to pay them \$300,000?

Mr. BENTLEY. Not that I recall.

Representative BURKE. What was the amount of that claim?

Mr. BENTLEY. We were asking \$300,000 as a full settlement.

Representative BURKE. And did you not present your case and submit a provision that you desired to have incorporated in the bill fixing the amount at \$300,000?

Mr. BENTLEY. Yes, sir. If you will pardon me, I have that here, and I would like to offer it in the record.

Representative BURKE. Well, you are correct about it. It was finally agreed upon at \$215,000?

Mr. BENTLEY. Yes, sir.

Representative BURKE. Was that put in by the committee, or did that go in on the floor of the House?

Mr. BENTLEY. I would not be certain, but my recollection is that Senator Teller offered that amendment on the floor, but, I think, as a committee amendment. I won't be certain.

Representative BURKE. I call your attention to the Congressional Record, page 2655, of the Sixtieth Congress, first session, which reads as follows:

Mr. CLAPP. I offer the amendment I send to the desk to be inserted after line 14, on page 51.

Mr. BENTLEY. Perhaps I am incorrect. My recollection was that Senator Teller offered it. I know he supported it vigorously.

Representative BURKE. Is it your opinion that this record is correct in saying that it was offered by Senator Clapp?

Mr. BENTLEY. Yes.

Representative BURKE. You have not any explanation to make as to why it does not appear to have been offered as a committee amendment?

Mr. BENTLEY. No; but my recollection was that it was offered as a committee amendment. Of course, I can only testify from memory.

Representative BURKE. This reads: "That there be and hereby is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000 for the fulfillment of certain treaty obligations to the Mexican Kickapoo Indians," etc.

Mr. BENTLEY. I recall now—

Representative BURKE. Further on it reads: "Said sum of \$215,000 shall be paid," etc. Now, probably the intention was to make it \$215,000, but it seems to read \$300,000 in the first part of it.

Mr. BENTLEY. The reason it was made \$215,000 was that that was within a few hundred dollars of the exact amount of the differences growing out of the last land transactions that the Kickapoos had. That was the difference between 32½ cents and \$1.50 an acre.

Representative BURKE. Now, Senator Gallinger wanted some information about this amendment, and Senator Clapp stated, according to this record, that if his memory served him correctly this item was put in the bill in the last Congress. That is the reason I asked you if it had not been put in in that form.

Mr. BENTLEY. I think he had reference to an item with regard to letting us go to the Court of Claims, which went out in conference, perhaps. My recollection of this—to be frank about it, it was the outrage and raid of the Kickapoos in Mexico—the investigation over that resulted in drawing such sympathy to the Kickapoos that, without going to the Court of Claims, Congress passed this act providing this money for their relief.

Representative BURKE. The only record I can find, Mr. Bentley, is that one Senator offered this amendment on his own responsibility, not as a committee amendment; and if there was such a great amount of sympathy that prompted this action I want to find out whether it was generally understood by the Committee on Indian Affairs.

Mr. BENTLEY. This was immediately following—the newspapers of the country were full of the investigation of the Kickapoo affairs, of their names having been forged, and it was a matter that was talked about a great deal.

Representative BURKE. This \$215,000 was appropriated, was it not?

Mr. BENTLEY. Yes, sir.

Representative BURKE. And then there was a scramble to get control of the members of the tribe so as to control that money, was there not?

Mr. BENTLEY. That is true. If you will pardon me, as to whether this was considered in committee, I have the subcommittee's report. There is certainly a mistake here somewhere. If you will pardon me just a minute—I want the record to be clear. Here is Senate Document 350, Sixtieth Congress, first session, that is my argument before the subcommittee in support of the proposition, and it must have had the attention of the full committee, because here is the subcommittee to the full committee. On motion of Senator Brandegee it was made a public document.

Representative BURKE. Will you show me the report of the subcommittee.

Mr. BENTLEY. That is it.

Representative BURKE. Just point it out. Where is the report?

Mr. BENTLEY. I do not know whether there is any report or not. There is the hearing. Senator Brandegee had it printed as a public document.

Representative BURKE. This would appear to have been before Senators Brandegee, Stone, and Johnston.

Mr. BENTLEY. They were the ones who considered it.

Representative BURKE. That is all right—

Mr. BENTLEY. And that is what leads me to think that, as a matter of course, it must have been a committee amendment. The subcommittee considered it. I never had any knowledge to the contrary.

Representative BURKE. Now, at the time, or prior to the time this appropriation was made you had had some negotiations with different people in Oklahoma, and perhaps elsewhere, with reference to this fund, had you not, with reference to what was to be done with it?

Mr. BENTLEY. Well, yes. There was a conditional proposition submitted to me with regard to it; yes, sir.

Representative BURKE. And had you not had some negotiations with different people going back to 1905, and prior to the act of 1906, when these restrictions were removed, with reference to the purchase of land, etc., after the restrictions were removed?

Mr. BENTLEY. You mean, as to negotiating with people in Mexico for land—

Representative BURKE. Yes; and also with reference to buying land; that is, buying the land of the Indian allottee after the restrictions were removed, and then using the money to purchase land for the tribe in Mexico?

Mr. BENTLEY. My best recollection is that the only persons with whom I had in any way considered that matter were a Mr. Patrick and a Mr. Graham. It occurs to me that they looked up a tract of country that was said to be very suitable for Indians in Mexico, and,

while I did not go with them, I think I conferred with them before they went, and perhaps after they returned. Those are the only persons that I recollect.

Representative BURKE. Well, what about—to refresh your memory—a conference at Stroud, at the home of Mr. Charles?

Mr. BENTLEY. Well, he is of the same company.

Representative BURKE (continuing). At which were present Mr. Field, Mr. Sam Powell, Mr. Conklin, Mr. Charles, Mr. Graham, and Mr. Lee Patrick. Do you remember anything about that?

Mr. BENTLEY. Yes.

Representative BURKE. What was the purpose of that conference? What were you there for?

Mr. BENTLEY. Well, I would have to think a moment; that was a good while ago. It was in connection—as I recollect, Mr. Charles, Mr. Patrick, and Mr. Graham, and their associates had a trust company at Skyatook, Okla., and it seems to me that—my recollection is that at that time some negotiations were made looking to making that trust company the company through which whatever emigration there might be to Mexico should be transacted. That is one of the things that, if I am correct, I feel very certain was discussed at that time.

Representative BURKE. Now, did you discuss the question of getting the Indians to go to Mexico and the question of securing legislation removing restrictions from such Indians as did go to Oklahoma?

Mr. BENTLEY. You mean to Mexico?

Representative BURKE. To Mexico—and then purchasing the land and using the proceeds in the purchase of a tract of land in Mexico?

Mr. BENTLEY. Well, I can hardly answer your question just as you have propounded it. There was never at any time any negotiations looking to inducing any Indians to go. Whatever there may have been it was along the line of finding or providing a way to enable those who would be permitted to go, those that wanted to go. They all wanted to go; they want to go now.

Representative BURKE. Was not that legislation that was obtained in 1906 for the purpose of removing these restrictions discussed at that time?

Mr. BENTLEY. Well, I would not say that that identical legislation was discussed. I think there was considerable discussion over the proposition of legislation—

Representative BURKE. Now, was it not practically understood that that was to be done, and that the men who were to take care of the obtaining of the legislation were yourself and Mr. Field, and that you and Mr. Field came to Washington subsequent to this conference, and this legislation was obtained?

Mr. BENTLEY. Well, I am quite certain—I do not think at that time it was understood that Mr. Field was to have very much to do with it.

Representative BURKE. Who was there?

Mr. BENTLEY. Mr. Field was there, but I think he had some other business with them.

Representative BURKE. What was Mr. Patrick's business at that time?

Mr. BENTLEY. Mr. Patrick was a banker.

Representative BURKE. What was Mr. Graham's business?

Mr. BENTLEY. Mr. Graham is a business man, and I think also at that time he was interested in the Charles chain of banks.

Representative BURKE. There was some conference you had with these gentlemen, and the question of obtaining this \$300,000 or \$215,000 was discussed, was it not?

Mr. BENTLEY. I do not think so. I feel very certain that the time you refer to no mention whatever was made of that.

Representative BURKE. Or at any subsequent time?

Mr. BENTLEY. I talked with Mr. Charles after that about it. In fact, I met him on my train from Washington and had a little talk with him. He got on the train I was coming into Oklahoma on.

Representative BURKE. Was there any suggestion that if you got this money appropriated you would deposit a considerable portion of it in the banks of these gentlemen at Stroud and Chandler?

Mr. BENTLEY. There was this understanding. If this money was received by me, the whole sum, that part of the fund that would go to the so-called progressive element of the Kickapoos until it would be used—my plan was, those I already had in Mexico were to be taken care of first, and in the meantime I was perfectly willing to have deposited the fund that would have gone to the progressives until money should be required to buy them a home over there with Charles & Co.

Representative BURKE. You could have answered that question more briefly. Then there was some talk about depositing the money in the banks of these gentlemen?

Mr. BENTLEY. A part of it.

Representative BURKE. Was there any understanding between you and these gentlemen you have named by which they were to furnish money to buy land and have three-fifths of the profit?

Mr. BENTLEY. I think there had been a proposition that Charles, Conklin & Co., including a man by the name of Hoffman—Peter Hoffman—they were to buy—I can not recall the tract—a 75,000-acre tract of land in old Mexico; and a part of that tract they were going to retain and a certain part of it they were willing to sell to Indians. It was a larger tract than they wanted for themselves, and I think there was some talk of that kind.

Representative BURKE. They were to have three-fifths of the profits?

Mr. BENTLEY. I would not try to be certain as to that.

Representative BURKE. What was the amount of money they agreed to put up, if you remember?

Mr. BENTLEY. Well, I think it took—I won't be certain, but it took a very large sum. If I recollect correctly, it took \$400,000.

Representative BURKE. Was there not some understanding by which they were to put up \$20,000?

Mr. BENTLEY. I do not recall any such amount.

Representative BURKE. To refresh your memory, did not Mr. Graham go down to the Mexican line at one time afterwards?

Mr. BENTLEY. Mr. Graham and Mr. Patrick went afterwards and inspected a part of this large tract of land, but I do not recollect any instance of any \$20,000 proposed purchase.

Representative BURKE. Did you have any conversation with any of these gentlemen wherein you made any statement that it would

be necessary to expend some money, even to the extent of intimating that there were certain people in Washington that would have to be taken care of?

Mr. BENTLEY. No, sir; I do not think—

Representative BURKE. You never made any such statement?

Mr. BENTLEY. I do not think I did.

Representative BURKE. Some reference was made in the hearing the other night to a telegram wherein there was some suggestion about a Senator. Have you thought since who that Senator was or who was referred to?

Mr. BENTLEY. I feel now as I did the other night, that probably that was a kind of joke telegram—

Representative BURKE. You think that was a joke telegram?

Mr. BENTLEY. I think that was simply a bluff to Charles to get him to move; yes, sir. That is my recollection now, that the Kickapoo "Senator" was here, and it was him that I had reference to.

Representative BURKE. But there was an understanding between you and some of these people that I have named that there were to be some lands purchased and there was to be a division of profits?

Mr. BENTLEY. Well, that was only a tentative matter. It was talked about. There was never any papers signed and no money paid. It appeared there was a great tract of land over there that could be acquired to advantage. It was desirable for Indians. They were men of large means. I was very eager at that time to find a home for the Indians and there was no money available.

Representative BURKE. You were pretty active in trying to get the Indians to go from Oklahoma over to Mexico at the time the \$215,000 was appropriated, so that you could control that council, were you not?

Mr. BENTLEY. I already had a majority over there, and the Indian Office invaded Mexico and ran them out. There was a very spirited fight. One officer of that department walked 25 miles in the night-time and coaxed some of the weaker ones away.

Representative BURKE. You admit you were trying to get control?

Mr. BENTLEY. I certainly was. I was trying to secure money to buy those people a home, and I did anything and everything possible.

Representative BURKE. And if you could have carried your point you would have taken for the Mexican Kickapoos the whole \$215,000?

Mr. BENTLEY. Oh, absolutely, no. And as a reason to show this committee positively that I would not have done that, those who voted me their trustee—I paid them every cent of their money, as I would have paid all the others. I would not have thought for a moment of requiring any of them to stay there. It perhaps would have been better for them to stay there. Joe Whipple, one of the allottees who elected me his trustee, and an Indian by the name of Mah-kah-se-ah came back to the United States, and I paid them every dollar of their money.

Representative BURKE. Out of this \$215,000 there was paid you \$26,875, if that is the correct amount—

Mr. BENTLEY. My recollection is that it was \$28,875.

Representative BURKE. It was a commission of 12½ per cent?

Mr. BENTLEY. Yes, sir; on the \$215,000.

Representative BURKE. You stated the other night that \$5,000 was paid to Mr. Field?

Mr. BENTLEY. Ultimately, it terminated that way in the settlement. I intended to pay him \$2,000—

Representative BURKE. And \$10,000 to Powell?

Mr. BENTLEY. \$12,250.

Representative BURKE. What did Mr. Powell do to get \$12,250?

Mr. BENTLEY. Well, he had been here a good many years trying to get into the Court of Claims. My agreement with him originally was that if he could aid us in getting into the Court of Claims I would divide whatever fee there might be with him. But the time came when the condition of the Kickapoos was such, and such an emergency existed, that rather than wait and get a million or a million and a half when they were dead, I thought it would be better to take something to buy them a home with now. In the meantime, Mr. Powell had grown old and sick—in fact, when he died his estate was mortgaged.

Representative BURKE. Do you know whether he divided that with anybody else?

Mr. BENTLEY. No, sir; if he did, I have no knowledge. I feel very certain that he did not, because he was heavily in debt. His widow has told me that the money I gave him saved his family from being put out of doors.

Representative BURKE. Now, in 1912, you again appeared in Washington for the purpose of obtaining a further appropriation for these Mexican Kickapoos, did you not?

Mr. BENTLEY. Not exactly in that sense.

Representative BURKE. That is what you did? You made that your business?

Mr. BENTLEY. I came here seeking a reimbursement to their communal fund for the fund I had been compelled to expend in defending them against the outrages, as I then felt and feel now, of the Indian Office. That was my business here. I had expended more than \$50,000 of their tribal fund in protecting them against these officers of the United States, and I came here seeking reimbursement; yes, sir.

Representative BURKE. What was the amount you claimed was due?

Mr. BENTLEY. Fifty-some thousand; fifty-seven, I believe. That is my recollection. We finally got through the Senate with \$42,000.

Representative BURKE. It was \$55,000, was it not?

Mr. BENTLEY. \$55,000 or \$57,000.

Representative BURKE. \$55,089.20?

Mr. BENTLEY. I believe it was something like \$55,000.

Representative BURKE. At that time a provision was incorporated in the Indian appropriation bill, offered on the floor of the Senate, proposing to pay \$42,000 for this claim you were making, was there not?

Mr. BENTLEY. I think so. My understanding was—I was not present when it was considered—but my understanding was that there were certain items of attorney fees and things cut out of the \$55,000, and an agreement was reached as to \$42,000, and that passed the Senate and was agreed to in conference.

Representative BURKE. You urged that claim notwithstanding the fact that the act appropriating \$215,000 expressly provided it was to be in full of all claims or demands of the Kickapoo Indians against the United States?

Mr. BENTLEY. The Mexican Kickapoo Tribe; yes, sir.

Representative BURKE. And in the hearings you stated that you were perfectly willing that it should be in full——

Mr. BENTLEY. It was in full.

Representative BURKE. And nevertheless you were back here——

Mr. BENTLEY. No: I was not back here for the Kickapoo Tribe. I was here for the Mexican community, the Mexican band of the Kickapoos.

Representative BURKE. I understand, from your statement made a few years ago, you claim that the receipt in full was the tribe as a whole, and that did not include the Mexican end of it?

Mr. BENTLEY. Yes, sir; it did not include the band.

Representative BURKE. If you will read what you stated in the hearings that you called my attention to a moment ago, I think you will find you stated emphatically that these Indians would make no further claim on the United States; that they were in Mexico, and that this would be the end of it.

Mr. BENTLEY. I am very certain that if the Department of the Interior had let them alone and they had gotten the benefit of the \$215,000 they never would have returned here, but they did not get one-half of it.

Representative BURKE. Mr. Chairman, I want to read into the record the amendment that passed the Senate at that time, offered not as a committee amendment, but on the floor of the Senate:

For the purpose of reimbursing the trust funds of the Kickapoo community in Mexico, said fund having been created under the provision of the act of Congress of April 30, 1908, for legal expenses necessarily incurred in defending said community, its funds, lands, and members from fraud, the Secretary of the Treasury is hereby authorized and directed to pay to Okemah, who is now trustee of said community, the sum of \$41,000, the same to be immediately available.

That was the provision you were trying to have enacted?

Mr. BENTLEY. First.

Representative BURKE. And that passed the Senate, did it not?

Mr. BENTLEY. I think so.

Representative BURKE. And that provided that the money should be paid to Okemah?

Mr. BENTLEY. Either to him or to him by order of the council; yes, sir.

Representative BURKE. At the same time did you not have another amendment you were very much concerned about with reference to the lease money that might be due these Indians that had removed to Mexico, as to how that money was to be paid?

Mr. BENTLEY. I do not think I had very much to do with that. It was looked after by Mr. Field. In fact, I had no concern in that.

Representative BURKE. I want to read into the record, Mr. Chairman, this amendment, which was also offered on the floor of the Senate:

That the Secretary of the Interior be, and he is hereby, authorized and directed to immediately be caused to be deposited to the credit of the Indian owner, in the First National Bank of Douglas, Ariz., all money known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department, and all like money due or becoming due or collectible by them prior to the 1st day of January, 1914, and belonging to any of the Mexican Kickapoo Indians now resident in the Republic of Mexico. The receipt of such bank for any such money shall operate as the receipt of the Indian owner and as a complete release of all liability on the part of the officer paying the said money as herein directed.

Mr. BENTLEY. Yes; I think that should have passed, too.

Representative BURKE. You favored that, did you not?

Mr. BENTLEY. I did not draw it, but I should have been in favor of it.

Representative BURKE. I am glad to have you acknowledge it, because I think you are honest when you say that.

Mr. BENTLEY. I certainly was. I wanted the Indians to get their money.

Representative BURKE. Now, out of this \$215,000 you got \$86,000 and some odd?

Mr. BENTLEY. Yes, sir.

Representative BURKE. And you purchased some land in Mexico?

Mr. BENTLEY. Yes, sir.

Representative BURKE. And you got a deed for that land, did you, or what they call a deed in Mexico?

Mr. BENTLEY. It is a deed; an absolute deed—not exactly. The Indians voted that the same trustees that had their money should receive the title to that land, and wisely so——

Representative BURKE. I understand, Mr. Bentley, that you did not do anything at any time except as the Indians wanted it done. You keep putting that in.

You took that title in the names of yourself and Okemah?

Mr. BENTLEY. Yes, sir.

Representative BURKE. There was no trust?

Mr. BENTLEY. There could not be under the Mexican law.

Representative BURKE. There was not any in the deed, was there?

Mr. BENTLEY. No.

Representative BURKE. And there was not any executed on your part?

Mr. BENTLEY. Yes; there was a declaration of trust executed by me, very formally, and by Okemah.

Representative BURKE. What did you do with it?

Mr. BENTLEY. I delivered it to Mr. Field.

Representative BURKE. Mr. Field held this declaration of trust?

Mr. BENTLEY. I think he did.

Representative BURKE. Now, for the purpose of refreshing your memory, I will ask you if you did not state, and if you did not produce this so-called declaration of trust two years ago before the subcommittee of the House, and that it was an instrument signed by certain Indians, and that your name or the name of Okemah was not attached to it at all?

Mr. BENTLEY. I surely have no recollection of what you are referring to, Mr. Burke, because the declaration of trust that I drew in relation to Tomechopo was in the exact form I drew as to other lands, and I signed it and acknowledged it always.

Representative BURKE. If you will go over to the House Indian Committee to-morrow and ask to see the transcript of your statement made at that time you will find that that is what you did testify to; and you will also find you produced this instrument, and it was agreed to be incorporated in the record, but it does not appear to be there. But that is what the record shows, and that is my very distinct recollection of that transaction at that time when this matter came up, when members of the House committee—and subsequently in

conferences on the part of the Senate—refused absolutely to do anything whatever in regard to your claim of \$41,000 until you did execute some proper declaration of trust.

Mr. BENTLEY. I volunteered to do that. I said I was willing. I have always said that. I have never anywhere at any time made any claim to this land.

Representative BURKE. I have been through the records in all the hearings pretty carefully, and the only place I can find any record of any such declaration on your part is at the time you were here getting this \$41,000, or trying to get it.

Mr. BENTLEY. But I submit to the committee that a man buying an Indian reservation, known as their trustee, laying no claim to it, buying it with their money—the manner that I held that was so notorious that even had I executed no declaration my heirs could not have claimed any interest in that land.

Representative BURKE. Had you made any will?

Mr. BENTLEY. Yes, sir; I had.

Representative BURKE. Now, is not that the only instrument you executed—

Mr. BENTLEY. No; I executed immediately when I came out of Mexico after taking that deed. I went to a stenographer and did execute a proper declaration of trust, because I was in bad health at that time, and I felt that if I did not do it—

Representative BURKE. Is that declaration in existence now?

Mr. BENTLEY. I delivered such a one to the attorneys for the Indians.

Senator TOWNSEND. I wish you would complete your answer. You said you "felt"—

Mr. BENTLEY. I was in bad health at that time. I really did not expect I was going to live very long, and I thought it was the proper thing to do. I felt it might be thought I had been unfair or that it was a reckless thing to have done, should anything happen to me, and at my first opportunity I did the only thing I could do, and that was to declare that I had no interest in the property other than holding it in trust.

Representative BURKE. Where did you deposit that will?

Mr. BENTLEY. That was not a will; that was a declaration of trust.

Representative BURKE. Did you deposit that with Mr. Field?

Mr. BENTLEY. Yes, sir.

Representative BURKE. Is not that the instrument you produced when I spoke of the time—

Mr. BENTLEY. Oh, no, sir. The declaration of trust, as I recall, that I executed immediately following taking their titles—the title to Tomechopo—I think, was deposited in the First National Bank with other papers of the Kickapoos.

Representative BURKE. You produced an account here the other evening of the moneys that you had expended.

Mr. BENTLEY. That was a memorandum only. That is not an account in such shape as I would be willing to attest. The committee asked me to bring anything I had here, and I brought that. That is all I had.

Representative BURKE. Where did you get it?

Mr. BENTLEY. I had it among my papers.

Representative BURKE. It is a carbon copy apparently?

Mr. BENTLEY. A carbon copy, or one of three copies that was prepared here at one time. It was the only thing I had available, and it is practically correct.

Representative BURKE. Did you not feel called upon after receiving that money—did you not think that you ought to make an accounting in due form to somebody?

Mr. BENTLEY. I did.

Representative BURKE. Who did you make it to?

Mr. BENTLEY. To the same committee that had been investigating the Kickapoo affairs. I came clear here to do it.

Representative BURKE. Did you deposit with some member of that committee a copy?

Mr. BENTLEY. I did.

Representative BURKE. With whom?

Mr. BENTLEY. Senator La Follette and Senator Curtis spent some hours over this matter. I came here with a large walrus-hide grip with my checks and bills and vouchers and everything that pertained to that account; and later on Mr. Field and Mr. Hannan checked and numbered the checks on each bank, and had in a separate envelope the checks of each bank; in another envelope the bills of Haymore & Co., the trading firm through whom these purchases had been made. I had a receipt in proper form for those whole expenditures, and this memorandum presented here is a list of the checks and the banks on which I drew them, and that is practically correct. There was one item in there that may have been charged twice by oversight.

Representative BURKE. The original of which this purports to be a copy was deposited, if I understand you correctly, with one of the Senators who were members of a subcommittee?

Mr. BENTLEY. Yes, sir.

Representative BURKE. Now, which one?

Mr. BENTLEY. It was turned over at the time of the meeting of Senator Curtis and Senator La Follette. Which one took it I do not know, but I apprehend that Mr. Hannan probably did.

Representative BURKE. Who is Mr. Hannan?

Mr. BENTLEY. Senator La Follette's secretary. I won't be certain as to that.

Representative BURKE. Have you seen it since?

Mr. BENTLEY. No, sir.

Representative BURKE. Have you made any inquiry about it to ascertain whether Mr. Hannan has it in his possession?

Mr. BENTLEY. No; I have not.

Representative BURKE. Do you know whether the paper you produced here the other night is a copy of that statement?

Mr. BENTLEY. I think it is.

Representative BURKE. Do you know whether it is?

Mr. BENTLEY. There were three of them made. One was given to Senator Clapp, and the other was for the subcommittee and delivered to them. I think they have it. I am not certain what became of it, but this was my retained copy. Then later that was revised. I have another one somewhere that is correct, but it is home with my checks and things.

Representative BURKE. When was it you made that statement and gave it to these Senators?

Mr. BENTLEY. Well, that was in—that must have been in June or July, 1910.

Representative BURKE. That was, then, after you got the money? Did you get the money in June, 1908?

Mr. BENTLEY. I got the money June 22, 1908. Then, of course, I was in Mexico most of the time, and it was soon after I turned over the balance of the funds in my hands to my cotrustee, as soon as I conveniently could, after that I came on here to make a settlement and a final accounting. That must have been—I guess that was in 1909, perhaps.

Representative BURKE. You are not certain about that?

Mr. BENTLEY. 1909 or 1910. It seems to me it was 1909.

Representative BURKE. When you were here trying to get this \$41,000 item and this provision for the depositing in the bank in Arizona of lease money, you had a statement of account at that time of the moneys you had expended, had you not?

Mr. BENTLEY. Yes; that is how that copy came to be here in Washington—that memorandum I had here.

Representative BURKE. You had an additional statement showing this \$50,000 that you claimed was due, had you not?

Mr. BENTLEY. Mr. Field had that, and I also.

Representative BURKE. What has become of that statement?

Mr. BENTLEY. I think it is filed with the clerk of the committee of the Senate.

Representative BURKE. Do you know whether it was or not?

Mr. BENTLEY. I am not certain.

Representative BURKE. You have not seen it since two years ago?

Mr. BENTLEY. Yes; I saw it the other day in Mr. Field's office.

Representative BURKE. Mr. Field's office?

Mr. BENTLEY. Yes.

Representative BURKE. Then you think Mr. Field has it instead of the committee?

Mr. BENTLEY. Well, he was there conferring with me about some items that had been left out before. That is how I came to see it, and my understanding was that he intended to file it with the full committee of the Senate.

Representative BURKE. Now, that statement showed expenditures of money to Mr. Field, did it not, out of this trust fund of \$86,000, and you were seeking an appropriation from Congress to reimburse the fund for moneys that had been expended, part of it, to Mr. Field?

Mr. BENTLEY. Some very small part.

Representative BURKE. And some part to yourself?

Mr. BENTLEY. No.

Representative BURKE. None to you?

Mr. BENTLEY. No.

Representative BURKE. You are certain about that?

Mr. BENTLEY. Well, not directly to me. Since making this settlement and turning over this balance, indirectly I became responsible for \$8,250. Four Kickapoo deeds failed that a man had taken and sold the land and turned all the money over. The tribe had used it. That failed. He did that at my instance, and I felt just as you would feel if somebody had indorsed your note. My interest in getting the matter of \$15,000 was that \$8,250 of that should go to pay that warranty, and then I was willing to deed the reservation. I would have been unwilling to deed over the Kickapoo Reservation in Mexico—

Representative BURKE. Then you were not always ready and willing to deed it over?

Mr. BENTLEY. When the time came I found I was going to be responsible for \$8,250 I should have felt like holding it.

Representative BURKE. Was \$8,250 of that amount used for this purpose that you speak of?

Mr. BENTLEY. I am unable to say. I paid the \$8,250 and I deeded the reservation over. If you recall, I said to the conferees, "If you will appropriate this money I will deed the land." You appropriated the money, and I did, and it is paid.

Representative BURKE. Who paid it?

Mr. BENTLEY. I paid it.

Representative BURKE. Who reimbursed you?

Mr. BENTLEY. That is a question.

Representative BURKE. That is the question I am asking you.

Mr. BENTLEY. The facts of the matter were these: The persons to whom Mr. Ives had warranted these four tracts of land were in court suing him to make good his warranty. Under the law of Oklahoma 10 per cent was due them. These judgments were about to be taken. It could not be delayed any longer, and I sold my ranch for \$6,000 or \$7,000 less than its value and paid it.

Representative BURKE. Who paid you? Are you out that amount?

Mr. BENTLEY. I am out a good deal of it. How much I do not know.

Representative BURKE. About how much were you reimbursed?

Mr. BENTLEY. It is impossible of determination at this time.

Representative BURKE. Is it so large or so small?

Mr. BENTLEY. The value of the thing that I get as a reimbursement is indefinite and uncertain. No man can tell whether I will get much or little. I have some town lots adjoining Shawnee to show for my \$8,250.

Representative BURKE. Where did you get them?

Mr. BENTLEY. They belonged to an Indian, and the Kickapoo Community, through its treasurer, became responsible to the Indian. Figuring the balance of this property at \$8,250—

Representative BURKE. You took some property from an individual Indian?

Mr. BENTLEY. No.

Representative BURKE. Then, what?

Mr. BENTLEY. Mr. Ives had some property that belonged to an Indian—to Okemah—and Mr. Mitscher brought a power of attorney from Okemah to make a settlement with Mr. Ives, and the community fund became responsible to Okemah, as I understand it, to the extent of \$8,250, which was the value originally placed on these lots. But there is \$1,500 taxes, a mortgage to foreclose, and the town has gone down.

Representative BURKE. Were the lots deeded to you?

Mr. BENTLEY. No; the lots were held by Ives in trust, growing out of the sale of two Indian allotments there.

Representative BURKE. Then you have not got anything whatever for your \$8,250?

Mr. BENTLEY. No, sir; except that Mr. Ives, of course, will deed me at any time whatever equity or value there may be to those lots. But I do not know what that value is. I know this. I know that I am out the difference between \$10,500 and about \$16,000 or \$17,000 for my ranch. It was a forced sale. I had to have this money or let

judgment be taken against Ives, and I sold my ranch at at least \$4,000 less than its value. In a few weeks it sold for \$14,000, and lately it sold, I am informed, for \$19,000. I did not get any great benefit out of the \$15,000.

Representative BURKE. You got no part of that?

Mr. BENTLEY. No, sir.

Representative BURKE. Do you know whether Ives did or not?

Mr. BENTLEY. I do not think he did.

Representative BURKE. Do you know whether he did get that \$15,000?

Mr. BENTLEY. Only from hearsay.

Representative BURKE. Let us hear from hearsay.

Mr. BENTLEY. I understand it was drawn out of the treasury by the treasurer of the Kickapoo community.

Representative BURKE. Who is that?

Mr. BENTLEY. O. A. Mitscher.

Representative BURKE. Who is O. A. Mitscher?

Mr. BENTLEY. He is a business man at Oklahoma City, who is the trustee, or the treasurer, of the Kickapoo community of Mexico.

Representative BURKE. What were his relations with you, if any, while you were trustee?

Mr. BENTLEY. Never any, other than this, that Mr. Mitscher at that time was considered a man very strong financially. He had a wholesale and a retail business, and I used to lend Mitscher—Miller, Mitscher & Co. it was—

Representative BURKE. Whose money did you lend to Mr. Mitscher?

Mr. BENTLEY. I loaned him \$7,000 of Kickapoo trust funds.

Representative BURKE. At what rate of interest?

Mr. BENTLEY. Ten per cent.

Representative BURKE. Who got the 10 per cent?

Mr. BENTLEY. The community.

Representative BURKE. Did you credit the fund?

Mr. BENTLEY. Yes, sir.

Representative BURKE. Does your statement of account that you filed show these transactions and the benefit that the fund received from interest that was collected?

Mr. BENTLEY. It was very little; the time was very short. Mr. Mitscher paid me at one time \$100 interest, and that was deposited in the Bank of Commerce at Shawnee, if I recollect. It made our deposits there \$21,000, I think.

Representative BURKE. Who became the trustee when you surrendered the trust and turned over the balance of this money?

Mr. BENTLEY. Okemah, who was my cotrustee.

Representative BURKE. Mr. Mitscher did not have anything to do with that?

Mr. BENTLEY. No, sir; not at that time, but Okemah turned over the funds that I turned over to him to the bank that Mr. Mitscher was also treasurer of.

Representative BURKE. That is what I thought.

Mr. BENTLEY. Of course, I had nothing to do with that.

Representative BURKE. That was before this corporation was formed?

Mr. BENTLEY. Yes, sir.

Representative BURKE. Mr. Mitscher was in control of this fund, whatever there was left, or the corporation of which he was an officer?

Mr. BENTLEY. Surely. I want to make one point clear. I was in terrible distress over that matter. There was about \$25,000 in cash yet in my hands, and it seemed I could not live in Oklahoma and hold it, because the moment I came within the jurisdiction of the district court where I lived I became amenable to that court, service would have been gotten on me, and the attorneys that the Indians had contracted with would have gotten 25 per cent of that \$25,000. I had not been to Mexico for some months, and I knew considerable debts had been contracted there, so I went around Oklahoma and went to Mexico and paid all their debts, and bought some additional equipment, and provided money to repair the ditch—\$600—and for the payment of \$50 each, which left \$10,000 in cash or New York exchange, and that I indorsed over to Okemah, and also those notes. So that he might not be swindled out of it I indorsed this draft, "Pay to Okemah when indorsed by the International Trust Co," so somebody could not figure him out of it.

Representative BURKE. What kind of Ind'ian is this man Okemah?

Mr. BENTLEY. Okemah is a very smart Indian and a man who neither drinks nor gambles. He is morally as clean a man as ever lived.

Representative BURKE. He speaks English?

Mr. BENTLEY. Pretty good English, but he can not read.

Representative BURKE. Then, he is not a business man?

Mr. BENTLEY. Not in that sense, and yet it would take an awful shrewd business man to figure Okemah out of anything.

Representative BURKE. Was there not more or less dissension a few years ago in the Mexican community because of the fact that the title to this land was being held by you and Okemah?

Mr. BENTLEY. I do not think so, except this: I think my enemies were probably persistent in telling the Kickapoos I was going to beat them out of it, and several things contributed to make dissatisfaction, and these two Indians who are here persisted in gambling and having the Mexicans come there and gamble with them. Mr. Gostin would not have it, and that seriously interfered with the peace of the community.

Representative BURKE. After the \$215,000 was appropriated and you were anxious to get control of the majority of the tribe you had a suit pending, I believe, against Mr. Thackery for libel?

Mr. BENTLEY. For slander and libel, yes.

Representative BURKE. Did you offer to dismiss that suit if he would allow you to get control of that matter?

Mr. BENTLEY. I can not say that I did, that it was any direct proposition. I think Mr. Thackery's friends talked to me along this line, that there was no good to come out of this fight, that it was the other man that was responsible more than Mr. Thackery, and probably it would be a good thing to close up these old scores.

Representative BURKE. You were willing to do that, but there was a condition attached to it, that you were to control this council, was there not?

Mr. BENTLEY. I could not say there was or was not. The facts were that I was willing to make any sacrifice to succeed in getting these Indians a home in Mexico.

Representative BURKE. I understand you were willing to make that sacrifice to get this \$215,000 for these Indians.

Mr. BENTLEY. And this should be borne in mind, that Mr. Thackery and a Mr. Dickson were the persons sued.

Representative BURKE. Was there not an agreement signed by you by which you agreed to dismiss that suit?

Mr. BENTLEY. If there was, I have no recollection of it.

Representative BURKE. My recollection is that in the hearings, I think, before our subcommittee, such an agreement was made a part of the record, acknowledged before Lee Patrick, a notary public.

Mr. BENTLEY. I feel very certain, Mr. Burke, you are mistaken, although I will not say that you are.

Representative BURKE. At that time was Mr. Thackery holding any official position?

Mr. BENTLEY. He was superintendent of the Shawnee Training School.

Representative BURKE. He was an official of the Indian Office, holding the position of superintendent at the Shawnee School, was he?

Mr. BENTLEY. Yes, sir; if you call a school superintendent an official, he was.

Representative BURKE. That is all.

Mr. BENTLEY. I want to say, however, that those negotiations had nothing to do with his official duty there.

The CHAIRMAN. You made a verified statement—you, Mr. Field, and Mr. Mitscher—purporting to cover this \$41,000 and more that you were claiming in 1912?

Mr. BENTLEY. It is my recollection that I did; yes, sir; from information and belief.

The CHAIRMAN (handing a paper to the witness). I will ask you to look at this and see if that is, in your opinion, a copy of the statements made by you and Mr. Field and Mr. Mitscher. Here is a photographic copy of the original if you care to look at that also.

Mr. BENTLEY. I think that is correct.

The CHAIRMAN. Were these three accounts, verified by you, Mr. Field, and Mr. Mitscher, prepared in conjunction with one another?

Mr. BENTLEY. I have no reference there to any except the account I prepared. I do not know anything about any account but mine.

The CHAIRMAN. Did you examine the accounts prepared by Mr. Field and Mr. Mitscher?

Mr. BENTLEY. I do not think I did. I think I was testifying to the account that had been prepared reporting the expenditures I had made in defense of the community. I do not think I intended to have any reference to the others.

The CHAIRMAN. Referring to the account which you prepared, I will ask you if you did not submit the summary, and swear to it, showing the amounts under your statement to be \$48,523, and the amounts under the Mitscher account to be \$4,601.60, and the amounts under the Field account to be \$1,965.35, making a total of \$55,089.20 as being the total amount which you three claimed was then due?

Mr. BENTLEY. My affidavit was not intended to have any relation to the others.

The CHAIRMAN. I am not asking you what it was intended to be; I am asking you the simple question of fact whether it did or not. There it is.

Mr. BENTLEY. No, sir; mine did not pertain to their accounts. I am only testifying as to mine. I would have no knowledge of theirs, of course.

The CHAIRMAN. Did you swear to that statement? The summary that refers to is on the same page with a part of your account.

Mr. BENTLEY (after examining the papers). I was only swearing to my own account. I could not swear to their accounts. I recognize these [indicating] as items paid by me.

The CHAIRMAN. Now, here is what purports to be a photographic copy, Mr. Bentley, of the original account which you filed, and there is the photographic copy of the summary about which I have asked you.

Mr. BENTLEY. I expect this is an exact copy of that. Now, there is a mistake here somewhere [examining papers]. I had not intended in this statement to swear to somebody else's account; I did not do it knowingly. I was only testifying to my own. I, however, did not file this account. Mr. Field filed it. I think my own account as rendered there is correct.

The CHAIRMAN. You did swear to it?

Mr. BENTLEY. Yes, sir; I recall going before a notary and attesting that statement.

The CHAIRMAN. Did you have any knowledge as to the correctness of the account made by Mr. Field or Mr. Mitscher?

Mr. BENTLEY. No, sir; I did not claim to have—I did not intend to so claim. I, of course, would not know anything as to the correctness of their account.

The CHAIRMAN. Now, by that account it appears that under the item, "Expenses caused by the detention and litigation growing out of attachment against Pah-ko-tah, January, 1903," you charged up \$475, one item of which was attorney fees of \$50. To whom was that paid, if you know?

Mr. BENTLEY. I think Mr. Ben Blakeney, is my recollection.

The CHAIRMAN. Under the general item, "Expenses caused by various indictments of myself and John Williams," you charged up \$2,825?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. What were those indictments?

Mr. BENTLEY. Those were indictments where I had been indicted—where it was alleged I had attempted to steal Pah-ko-tah's mules and Williams's also. We were never tried, but we were back there time after time for trial, and of course we had to bring a great array of witnesses every time.

The CHAIRMAN. Was that a larceny case?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. I see you charged up a fee of \$500 in that case.

Mr. BENTLEY. I think that was paid to Blakeney. He was my attorney at that time. I had so many attorneys, however, I would not attempt to state offhand.

The CHAIRMAN. Do you know who represented you in those indictments?

Mr. BENTLEY. I think Blakeney.

The CHAIRMAN. How many indictments were there?

Mr. BENTLEY. Two, one against me and one against Williams, and also some other Federal indictments.

The CHAIRMAN. Under the same general item, embraced within the \$2,825, I see you charged up \$400 as attorney fees for Ben Blakerey, a whisky indictment. What was that?

Mr. BENTLEY. That is where they had given some Indian some beer, and one white man that was adopted into the tribe.

The CHAIRMAN. Were you tried for that?

Mr. BENTLEY. No; I was not tried, but, of course, I had to be there every term of court.

The CHAIRMAN. Did you pay \$400 for a fee in a case of that kind when you were not tried?

Mr. BENTLEY. My recollection is I paid Blakerey \$1,000 in two of those cases. He may have done other work, too. I was arrested and bound over. There was so much confusion in those days I won't attempt to tell all the circumstances, but it grew out of that matter. I paid probably a couple of thousand dollars there in a year.

The CHAIRMAN. Did you take vouchers for these expenditures?

Mr. BENTLEY. They were usually paid by check. I know I have somewhere now—I think—the checks that I paid these items on. I think I yet have the checks.

The CHAIRMAN. Do you remember who the witnesses were in those two first cases—those larceny cases?

Mr. BENTLEY. I do not know who the Government had. They had an array of Indian Office people—

The CHAIRMAN. Your witnesses?

Mr. BENTLEY. My witnesses were Pah-ko-tah and his family—various persons. I do not recall.

The CHAIRMAN. Do you know who the Government witnesses were?

Mr. BENTLEY. It is my recollection the Government witnesses would have been the Indian agency employees. They were the ones who were about there at that time.

The CHAIRMAN. I see you have an item here, under the same general head that I have referred to: "Three trips from Mexico, self and witnesses, \$600." To what did that relate?

Mr. BENTLEY. That is when I would come from Mexico to Shawnee on account of court, growing out of some of these troubles.

The CHAIRMAN. Did you keep a record of all the expenses actually incurred, or did you just estimate it?

Mr. BENTLEY. I kept a memorandum all the time.

The CHAIRMAN. You kept a record then?

Mr. BENTLEY. Yes; I kept some record.

The CHAIRMAN. That was an accurate estimate, was it?

Mr. BENTLEY. Practically so; it may have overrun.

The CHAIRMAN. If you kept a memorandum, how is it you do not know whether it was accurate?

Mr. BENTLEY. You can not figure—you have half a dozen Indians coming from Mexico to Shawnee. One borrows a quarter, another 50 cents, another \$1.50. Maybe you pay 50 cents a meal for their board one day, maybe 75 cents the next day—it is kind of irregular. The regular trip, however, ordinarily is something near the same.

The CHAIRMAN. That is what I am asking you now. Did you keep an account of it or just estimate it?

Mr. BENTLEY. In that time I kept a memorandum.

The CHAIRMAN. And it was exactly \$600, was it?

Mr. BENTLEY. That is my recollection.

The CHAIRMAN. Where is that memorandum?

Mr. BENTLEY. Those books were destroyed when my home burned up.

The CHAIRMAN. When did that occur?

Mr. BENTLEY. My home burned up in 1910, I believe. These accounts are largely made up from Mr. Field's books and papers.

The CHAIRMAN. Has he them now?

Mr. BENTLEY. I think so.

The CHAIRMAN. Did he keep a record of your trips and the expenses of your witnesses?

Mr. BENTLEY. He kept a great deal of it.

The CHAIRMAN. What did he have to do with it?

Mr. BENTLEY. He was attorney for the Kickapoos.

The CHAIRMAN. Mr. Blakeney was representing you in that case, and you paid him out of this fund—

Mr. BENTLEY. It should be borne in mind that all this time Mr. Field was attorney for the Kickapoo Indians. I was defending myself out of their funds. I was working for them. We reported to him from time to time, and consulted with him. He was here in Washington most of the time. He could not defend me there locally.

The CHAIRMAN. I find another item under that same head, embraced within the \$2,825, as follows: "Return of Williams and self and time of Williams, \$200."

Mr. BENTLEY. Yes.

The CHAIRMAN. Now, how did you make up that item?

Mr. BENTLEY. Well, Williams was under bond and lost his time.

The CHAIRMAN. How much did you allow him for his time?

Mr. BENTLEY. I would not attempt to say now. His expenses—I think some of those times he came from El Paso, and, my recollection is, once from Seattle—he was a stone mason and a kind of wandering fellow. His expenses—something reasonable for his time.

The CHAIRMAN. Did you keep a record of that?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. And that was exactly \$200? An even amount, \$200?

Mr. BENTLEY. Well, I suppose it was.

The CHAIRMAN. Did you embrace within that \$200 the expense for his railroad fare and return, and yours?

Mr. BENTLEY. Those settlements were generally made this way: We would figure what his car fare was, what his hotel bill had been, some reasonable pay for the man's time; and naturally you would not add in any cents to that. It was a little proposition. You would not figure out 25 cents or 50 cents. You know how you figure a thing like that.

The CHAIRMAN. But if you kept an accurate account of your car fare and the expenses it would not happen—it never has happened to me; it never has happened to any client I ever had, that in a transaction involving \$48,523—it never has happened in all my experience as a lawyer that there was not one item of cents in all that great number of items, that in every one of the items it was even dollars and no cents.

Mr. BENTLEY. Well, I think that can be accounted for. I think that in making up that account, probably, there were so many items of stuff there that if it was \$40.15 he probably never put it on there.

The CHAIRMAN. Do you know whether or not if it was \$40 he made it \$80?

Mr. BENTLEY. No; he would not have done that.

The CHAIRMAN. How do you know he would not?

Mr. BENTLEY. I am satisfied he would not. I know he would not. If it were \$40.09 he would leave the 9 cents off.

The CHAIRMAN. Within that same \$2,825 is this item: "Second return of Indian witnesses, car fare and subsistence (continuance by Government), \$405." Was that account kept the same way?

Mr. BENTLEY. I expect so, and I apprehend that was correct. If it had been \$405.05 he would not have put it down. You will find in my accounts, when I was disbursing officer, if there was a 5-cent charge I never put it down.

The CHAIRMAN. Did you let the department know you were not keeping your accounts accurately when you were disbursing officer?

Mr. BENTLEY. If I wanted to take the loss it was my privilege. The other fellows would charge up a dollar coach hire instead of a nickel car fare.

The CHAIRMAN. I find another item embraced within that \$2,825, "Personal expenses, returning self and Williams to Oklahoma on account of court, occasioned by these indictments (second trip), \$200." As a matter of fact, all these items were simply estimated, were they not?

Mr. BENTLEY. The item as to Williams was estimated, no doubt, by him, I should judge.

The CHAIRMAN. I did not ask by whom they were estimated. I am trying to find out how you had all these even hundreds of dollars.

Mr. BENTLEY. As to Williams, I am very certain that it was not a hairsplitting matter.

The CHAIRMAN. It is a hairsplitting matter—I do not think that I ought to argue with you, but it ought to be when you handle other people's money.

Mr. BENTLEY. For instance, here is a charge of \$500. Here is a man comes and spends a week or two. Maybe he quits a job and comes there. He is a witness in some case he has been dragged into. Probably if his expenses had been \$100 or \$115 I might have said—if it was \$160 or \$165 I might have said—"Well, you should have something for your time: I will give you \$100." Or I might have given him \$200 if he came from Seattle. There would not be any pennies about it. I think, perhaps, that Mr. Field, in making up this account from the data he has had, may not have included the full amount sometimes where there were cents. I think perhaps a wrong to me has been done in that, because I was in good faith.

The CHAIRMAN. Did Mr. Field make up this account of yours?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. I thought you said a while ago you made it.

Mr. BENTLEY. No; I said it was made up at Mr. Field's office. Most of my papers were there.

The CHAIRMAN. I thought you stated twice that you made this account and swore to this account.

Mr. BENTLEY. It was made up with Mr. Field's assistance.

The CHAIRMAN. I asked you the question in the beginning if these three accounts—yours, Mr. Field's, and Mr. Mitchell's—were made up in conjunction with each other.

Mr. BENTLEY. I had nothing to do with Mr. Mitscher's account or Mr. Field's account, because I know nothing about them; but Mr. Field assisted me, or I him. I went there and brought such papers as I had. I swore in good faith that I believed it was correct, and I believe so now.

The CHAIRMAN. Now, I find another general item: "Trip to Mexico City because of attempts to poison Mexican authorities against Indians," aggregating \$2,150.

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. The first item under that general head is, "Thirty days self and three delegates in City of Mexico, \$450." What was that for?

Mr. BENTLEY. That was expenses in Mexico City. We were there 30 days, and it is an expensive place to stay, especially if you are there with Indians. Unless you spend money with the people you meet there you do not get anywhere.

The CHAIRMAN. Did you keep an account of what you spent there?

Mr. BENTLEY. As well as I could.

The CHAIRMAN. Did that come out just \$450?

Mr. BENTLEY. I do not suppose it did exactly, Senator, to be perfectly frank about it, but it probably was a good deal more than that.

The CHAIRMAN. Why did you not keep it accurately? What is the object of keeping an account if you are not going to keep it right?

Mr. BENTLEY. To illustrate, if you went to Mexico City and you had \$500 when you went there, you would know exactly how much you had there. You take them to shows—you have to entertain the Mexicans—and when your \$500 is gone you know you are out \$500.

The CHAIRMAN. That is the way these items are made up?

Mr. BENTLEY. Not always, but some of them were made in that way. I know I had to wire for money a time or two.

The CHAIRMAN. I expect we have all had the same experience away from home.

Mr. BENTLEY. I have the letter now—

The CHAIRMAN. But that is not relevant or responsive.

Mr. BENTLEY. I want to be responsive, Senator.

The CHAIRMAN. Now, I find another item, "Railroad fare same" (that is, for self and three delegates), \$350.

Mr. BENTLEY. Well, I think that included a Catholic priest who went along, a Mexican interpreter—there was a lot besides the Indians—car fare.

The CHAIRMAN. I was just wondering how you spent \$350 for yourself and three delegates.

Mr. BENTLEY. Of course, it is a thousand miles down there. It seems to me, if I recollect correctly, there was the priest—Father Andrés—and two Mexicans, three Indians, and myself; and I think that is correct.

The CHAIRMAN. Now, will you tell us why, in making up this account, you put in for "self and 3 delegates," and why you did not say "self and 7," or "self and 10," or whatever number it was?

Mr. BENTLEY. I referred, of course, only to the Indians.

The CHAIRMAN. The next item in that same \$2,150 is "Expenses advanced second delegation, Indians, Mexico City, same purpose, \$400."

Mr. BENTLEY. Yes.

The CHAIRMAN. How did you make up that \$400?

Mr. BENTLEY. In that instance I just gave them—I contributed \$400, if I recollect. I know there was one trip they went where I just simply gave them \$400. We were down there several times.

The CHAIRMAN. Now, the next item within that \$2,150 is "Trip, Father Andres, same purpose, \$150." Was that the same Catholic priest whose expenses you embraced within that \$350?

Mr. BENTLEY. I think that is another time, however. I think he was down there twice, maybe three times.

The CHAIRMAN. Then the next item, "Third trip, self and Indians, 30 days, \$450."

The expenses that time were just exactly what they were the other trip?

Mr. BENTLEY. I do not know as to that. I know——

The CHAIRMAN. How is that?

Mr. BENTLEY. I do not recall as to that.

The CHAIRMAN. The next item is "Railroad fare, same, \$350."

The railroad fare the third trip was just the same, according to this statement, as it was the first trip, and it was \$350. Now, as a matter of fact, Mr. Bentley, all these items were simply estimates, were they not?

Mr. BENTLEY. I think there is some error as to that second item of \$350. This account was made up as nearly as possible correct. I drew that affidavit, attesting it myself, and it was my intention——

The CHAIRMAN. I am coming to that in a minute. Now, the next general item is "Attorney fees and other expenses occasioned by attempted indictments upon an obsolete statute for purpose of preventing Indian council, \$555," and the first item under that general head is "Mexican lawyer, \$350." What Mexican lawyer did you have?

Mr. BENTLEY. I would have to think a moment. What date is that?

The CHAIRMAN. It is not dated; none of these items is dated. I would like to ask you.

Mr. BENTLEY. Will you read that again?

The CHAIRMAN. The general head is "Attorney fees and other expenses occasioned by attempted indictments upon an obsolete statute for purpose of preventing Indian council. Mexican lawyer, \$350."

Mr. BENTLEY. For the moment I do not recall. I know there was.

The CHAIRMAN. Why did you not state the name of the lawyer when you entered that item?

Mr. BENTLEY. I will probably be able to.

The CHAIRMAN. Why did you not do it when you made your account?

Mr. BENTLEY. I do not know. I do not know why it was not done.

The CHAIRMAN. The next item within that \$555 is, "Attorney appearance before grand jury (obsolete statute), \$100." Do attorneys appear before grand juries down there?

Mr. BENTLEY. They go to the place where the grand jury is holding forth. If that is the instance I have in mind——

The CHAIRMAN. What can a lawyer do before a grand jury?

Mr. BENTLEY. Why, if somebody has put up a job against you and is trying to get a fake indictment, they can do a good deal by

going to the judge and telling him about it and seeing that some some proper witness gets in there.

The CHAIRMAN. Going back to that other item, Mr. Bentley, it is not your fault that the date was not stated on the copy. The date was February, 1903—the date of that payment to the Mexican lawyer.

Mr. BENTLEY. I paid so many Mexican lawyers.

The CHAIRMAN. I think it would be a pretty good idea in rendering an account to state the names. How did you pay that lawyer?

Mr. BENTLEY. I always paid everything, so far as possible, by check.

The CHAIRMAN. This account was made up from your checks, was it not?

Mr. BENTLEY. I think this was made up largely from memoranda. In both accounts—this was taken largely from my other account.

The CHAIRMAN. Now, I will ask you about another item there. Under that same \$555, which includes these other two items, there is an item, "Expenses self and witnesses same, \$105," making a total of \$555.

Did you have witnesses before the grand jury? Did you appear before the grand jury?

Mr. BENTLEY. I have not yet got in mind—there are so many of these cases—which one this was.

The CHAIRMAN. You identify it here as the "obsolete statute" case.

Mr. BENTLEY. I know they were trying to indict me somewhere for alienating the affections of the Indians from the United States, under some old statute a hundred years old, and I had to take a lot of witnesses; and but for my attorneys interfering I think they would have indicted me, but I can not remember the circumstances. I will refresh my memory—

The CHAIRMAN. I am still curious to know what an attorney can do before a grand jury.

Mr. BENTLEY. He can do a great deal. I will show you one instance.

The CHAIRMAN. If you do not know what service he rendered—

Mr. BENTLEY. I could not state it, but I can cite where they kept me from being indicted.

The CHAIRMAN. The next general item in your account includes \$1,690, under the head of "Expenses incurred in Muzquiz, Mexico, on account of investigation of Dickson." Who was Dickson?

Mr. BENTLEY. Charles H. Dickson was a special agent of the Indian Bureau who came to Mexico and had me put in prison, and I was to great expense while I was there in prison.

The CHAIRMAN. The first item under that general head is, "Attorney fees, Mexican lawyer, \$100."

Mr. BENTLEY. That was a fellow by the name of Castellano.

The CHAIRMAN. What service did he render?

Mr. BENTLEY. He was around there while I was in prison. He sent some telegrams to the Governor and did all he could. I did not know what I was in for, and he was the only man I could find that could speak English. I was not aware that I had violated any law—

Senator TOWNSEND. That was in Mexico?

Mr. BENTLEY. Yes.

The CHAIRMAN. The next item is, "Subsistence of Indian witnesses, \$200." Who paid that?

Mr. BENTLEY. I paid anything that was paid there, Senator.

The CHAIRMAN. How was it paid?

Mr. BENTLEY. I suppose it was money advanced to somebody to get Indian witnesses and get them there to the court.

The CHAIRMAN. And it was exactly \$200?

Mr. BENTLEY. I suppose it was. I know this is a part of what we called the "Dickson raid"—this \$1,600.

The CHAIRMAN. \$1,690.

Mr. BENTLEY. Whatever the figure is. I know that would be a very small item for witnesses.

The CHAIRMAN. The next item is, "Railway of self and witnesses, \$150."

Where did you go that you charged that \$150 for?

Mr. BENTLEY. What is the heading of that?

The CHAIRMAN. "Expenses incurred in Muzquiz, Mexico, on account of investigation of Dickson."

Mr. BENTLEY. Oh, I will tell you. The railroad fare in connection with that was probably—I expect that included Mr. Field's fare there, because after Dickson imprisoned me I think I wired, and Mr. Field came, and Mr. Bonnett came there—an attorney from Eagle Pass.

The CHAIRMAN. But it says for witnesses. They were not witnesses were they?

Mr. BENTLEY. No. There was a lawyer by the name of Galindo came there.

The CHAIRMAN. Now, the next item is, "Coach hire, \$40." What is that?

Mr. BENTLEY. In connection with the Dickson raid.

The CHAIRMAN. This is the Dickson matter.

Mr. BENTLEY. If that was in connection with the Dickson raid that must have been the hack fare of the attorneys who came up from Monterey, I expect, coming in and returning. If I recollect, they came up there in the night.

The CHAIRMAN. And paid \$40 for a hack?

Mr. BENTLEY. For that, and then—I will tell you—no, I know now. This hack fare item of some \$30 or \$40 was attorneys that came up from Monterey. They were very high-toned fellows, and I was imprisoned, and they bled me, of course, all they could, and they had a carriage to visit around the town, and, after the Mexican custom, to entertain the officials. Instead of the officials entertaining them, they entertained the officials. Mind you, when that expense was made I was locked up, and I wired to the bank and had money sent there three or four times. I think a couple of thousand dollars it took to get out.

The CHAIRMAN. The next item is, "Attorney fees when placed in prison at instigation of Dickson, and expenses, \$100."

Mr. BENTLEY. I think that is what I paid to Castellano.

The CHAIRMAN. You had two attorneys?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. "Board of self and Indians during such imprisonment, \$450."

Mr. BENTLEY. Yes, sir; the whole tribe came in there to Muzquiz.

The CHAIRMAN. Did you have to pay your own board while you were in prison?

Mr. BENTLEY. I was even glad to have it sent from somewhere else.

The CHAIRMAN. As a matter of fact, did you pay your board?

Mr. BENTLEY. Why, Senator, their board there is nothing but goat meat and cornmeal, and you have to cook it yourself.

The CHAIRMAN. As a matter of fact, you had your meals sent in?

Mr. BENTLEY. Yes, sir; and, of course, there was all that array of Indians on the outside.

The CHAIRMAN. The next item is "Coach hire, \$50." What is that for?

Mr. BENTLEY. That term as it applies to that case is where a bunch of Mexicans would go off around on the trips they make, and you are in jail, and they demand money of you. It all comes high.

The CHAIRMAN. "Expense U. S. Field and pay trip from Washington to Muzquiz, 30 days, \$600." Who is U. S. Field?

Mr. BENTLEY. That is Walter S. Field. I paid him \$600, to include his expense, if I recollect.

Representative BURKE. Mr. Chairman, what are you reading from?

The CHAIRMAN. His account that he filed when he claimed the \$41,000.

Representative BURKE. As I understand it, it appears that that is money he had expended out of the fund?

The CHAIRMAN. Yes.

Mr. BENTLEY. This was all before—that you are inquiring about—before the \$86,000 came into my hands.

The CHAIRMAN. But you were claiming reimbursement for it, for the fund?

Mr. BENTLEY. Yes.

The CHAIRMAN. That it had been paid out of the fund, and that it had been wrongfully occasioned to the Indians, and they should therefore be reimbursed for it?

Mr. BENTLEY. Yes, sir; it was paid out of their money, or out of mine. Somebody paid it.

The CHAIRMAN. Now, the next general item is, "Expenses incurred in effort to procure the issue of patents to seven Indian allotments as directed by the act of 1905."

Were those the seven Indians we have heard so much about?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Were they competent Indians?

Mr. BENTLEY. No, indeed; they were not.

The CHAIRMAN. You had caused that act, I believe you said, to be passed?

Mr. BENTLEY. Yes, sir.

I want to ask the Senator, please, if I may be permitted at this time to introduce—I do not mean to read it now, but to introduce in the record the testimony of each of those seven, taken under process in the Mexican court, as to whether they understood what they were doing or not.

The CHAIRMAN. We will look at it when we get to it. This item of expenses incurred in effort to procure the issuance of these patents

amounts to \$1,500, and the first item under that is, "Attorney fee and expenses of Everest to Washington, D. C., \$500."

Mr. BENTLEY. That is J. H. Everest. I paid him.

The CHAIRMAN. "Chester Howe, fee, \$350."

Mr. BENTLEY. Yes, sir; you will find a great deal of correspondence by Howe.

The CHAIRMAN. That was an attorney fee of \$350 to get seven patents issued when the law directed them to be issued?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. For what services?

Mr. BENTLEY. They had hearings at the Interior Department. Mr. Everest is now a practicing attorney at Oklahoma City. I think he testified in another hearing here that I did pay him \$500.

The CHAIRMAN. What did you want with two attorneys in Washington for that one service?

Mr. BENTLEY. This covered a considerable time. I think possibly Howe had been employed first, and we believed Everest was an attorney of such prestige that he might impress the Secretary of the Interior so that he would issue those patents. We were in a period of great distress there. If he could get the patents I could sell those lands. Those lands dwindled there from \$50,000 to almost nothing.

The CHAIRMAN. On what theory was that act of 1905 passed if the Indians were known to be noncompetent?

Mr. BENTLEY. Upon the theory, first, that they were people without children, without families, and most of them—their lands were near Shawnee and valuable—and that by reason of their value it would make a fund sufficient to enable us to buy land for them in Mexico.

The CHAIRMAN. Did the act recite those facts?

Mr. BENTLEY. No.

The CHAIRMAN. Did the act recite the reasons for authorizing the patent?

Mr. BENTLEY. No.

Representative BURKE. The act does recite it.

The CHAIRMAN (reading):

That the Secretary of the Interior be, and is hereby, authorized and directed to issue patents in fee to Okemah and his wife Thithequa, Wahnakhethahah, Noten, Tahpahthea, Shuckequah, and Neconopit, members of the Kickapoo Tribe, heretofore allotted in the Territory of Oklahoma, for lands so allotted to them, in said Territory, and all restrictions as to sale, incumbrance, or taxation of said land are hereby removed.

Representative BURKE. I will state, Mr. Chairman, in order to complete the record, that the conference report in the record has this added to that: "Satisfactory evidence having been produced in each that the persons to whom patents are issued are qualified to take care of their own interests." That is in the conference report; I thought it was attached to the act itself.

The CHAIRMAN. It may be.

Mr. THACKERY. No; it is not in the act, Senator.

The CHAIRMAN. Let us hasten along here all we can. The general item we are now considering is \$1,500, under the heading "Expenses incurred in effort to procure the issue of patents to seven Indian allotments as directed by the act of 1905." The next item under the general heading is, "Railroad fare and hotel, self, in first attempt,

\$200," and the last item is, "Second attempt, self and delegation interested Indians, \$450."

Do you know how many you had in that delegation?

Mr. BENTLEY. I do not recall.

The CHAIRMAN. You had an item there of \$650 for personal expenses and expenses of the delegation of Indians, and an item of \$850 for fees paid to attorneys in attempting to get those patents issued.

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Were the patents issued?

Mr. BENTLEY. Those patents were never issued until the Senate passed a resolution demanding the Secretary of the Interior to report to the Senate why he had not complied with the law. It was following that that they were issued, but until the Senate took it up they were not issued.

The CHAIRMAN. You did not understand at the time that act of 1905 was passed that these Indians were competent?

Mr. BENTLEY. I never made any such representation.

The CHAIRMAN. Do you know how that item got into the conference report?

Mr. BENTLEY. No, sir; I positively have no knowledge. I attempted to suggest a few moments ago that my representations in the records will show that I persisted they were wild blanket Indians at all times. No, sir; I am not responsible for that in any way.

The CHAIRMAN. Was Okemah one of those Indians?

Mr. BENTLEY. Yes, sir.

Mr. THACKERY. This man here is one of them.

The CHAIRMAN. Now, the next general item is, "Expenses of procuring payment of lease money and other funds over opposition of department, \$1,533."

How much lease money did you procure to be paid?

Mr. BENTLEY. What is that?

The CHAIRMAN. "Expenses of procuring payment of lease money and other funds over opposition of department." That is a general item, and the total is \$1,533. The first item under that is, "Personal trip to Washington, D. C., to intercede for Indians by request of Indians (lease money), \$275."

Do you know how long you stayed in Washington?

Mr. BENTLEY. I expect that was a personal trip up here on account of that, and probably from Mexico.

The CHAIRMAN. Do you know how long you stayed in Washington?

Mr. BENTLEY. I would not be able to recall now.

The CHAIRMAN. Did you keep a record?

Mr. BENTLEY. I probably did.

The CHAIRMAN. Did you keep an itemized record of your expenses when you made these trips?

Mr. BENTLEY. I kept a memorandum as nearly correct as I could.

The CHAIRMAN. "Expense one Indian, same purpose, \$200." Who was he?

Mr. BENTLEY. I think that was "Senator" Mine, perhaps.

The CHAIRMAN. That was the Senator you have been talking about?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. To refresh your mind about that, you remember that the other night when we asked you who that Senator was you

stated at first you did not know, but finally concluded it was a Kickapoo senator?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you the next morning after that hearing make a statement to Mr. Kellogg about who that Senator was?

Mr. BENTLEY. Yes, I think I did. I won't be sure that I said anything to anybody, but I may have.

The CHAIRMAN. Did you tell him who it was?

Mr. BENTLEY. I think I told him that it was the Indian senator—Johnny Mine.

The CHAIRMAN. Did you not name another Senator who was then in Congress?

Mr. BENTLEY. Oh, I do not think so.

The CHAIRMAN. Did you not tell Mr. Kellogg the name of a Senator who was then in Congress?

Mr. BENTLEY. No, sir; I think not. I think that is a misunderstanding, because I do not know of any such Senator. I am certain that that is a misunderstanding. I would not want to slander any Senator—

The CHAIRMAN. I am not asking about slandering anybody. I am asking if you told Mr. O. J. Kellogg the morning after you testified here—I asked you if you told Mr. Kellogg the next morning when he inquired of you about it the name of a Member of Congress who was then in the Senate?

Mr. BENTLEY. I do not think I did.

The CHAIRMAN. Don't you know whether you did or not? How does it happen you are uncertain about it now?

Mr. BENTLEY. Because I do not remember having that character of conversation. I think I may have said to Mr. Kellogg that the matter—when that matter was mentioned, that for the moment I did not recall who it was. I think perhaps that was it; but I remember well now that I had no reference to any actual Senator.

The CHAIRMAN. But that is not responsive to my question. I asked you the question—

Mr. BENTLEY. Not intentionally.

The CHAIRMAN (continuing). If you told him that, it did have reference to an actual Senator.

Mr. BENTLEY. No, sir; I say, positively, I did not. I did not say anything to suggest it. If he got any such impression, it was an inference.

The CHAIRMAN. Was Mine known around here as the "senator"?

Mr. BENTLEY. Oh, he was known about the National Hotel. Sometimes he would be a little full—

The CHAIRMAN. Who knew him and called him the "senator"?

Mr. BENTLEY. Why, he would go around and call himself "senator." It was a joke down there about the Kickapoo "senator."

The CHAIRMAN. Do you know whether Mr. Field called him "senator" or not?

Mr. BENTLEY. No. I recall, however, that Mr. Northrup used to call him senator. I think Mrs. Grey will recall she was here in that time. I think there are a good many in Washington who know. John was a pretty dignified fellow, and had brains enough, I believe, to have been a senator.

The CHAIRMAN. That is not in controversy.

Mr. BENTLEY. What I mean is—I do not say it slurringly.

The CHAIRMAN. I do not care what you say it for.

Mr. BENTLEY. Pardon me; I did not intend to—

The CHAIRMAN. Did you see a telegram purporting to have been sent from Douglas, Ariz., May 5, 1908, to George Graham by W. S. Field?

Mr. BENTLEY. I do not recall at this time whether I have or not.

The CHAIRMAN (reading):

Senator's suggestion such that better send fifteen; council here Friday.

Mr. BENTLEY. It seems to me I have some such recollection of hearing about this telegram before.

The CHAIRMAN. What Senator is referred to there?

Mr. BENTLEY. Well, from Mr. Field?

The CHAIRMAN. Yes; do you say you have some recollection of that telegram?

Mr. BENTLEY. I have some recollection of hearing about this telegram somewhere.

The CHAIRMAN. Did you understand what Senator suggested "better send 15; council here Friday"?

Mr. BENTLEY. It is my recollection now that Senator Teller had wired Mr. Field, or written him, that there was an effort being made to disrupt the purpose, and it is my impression now that that is who Mr. Field probably had reference to, but he may have had reference to some other Senator. I do not know.

The CHAIRMAN. Who is Mr. George Graham?

Mr. BENTLEY. George Graham is an Indian trader—a business man of Oklahoma.

The CHAIRMAN. What had he to do with it?

Mr. BENTLEY. He is a man who speaks the Kickapoo language fairly well, and he is a very capable man and has great influence with the Kickapoo Indians. He has traded with them and been among them a good many years.

The CHAIRMAN. Now, going back to the account again for a little while, under that general head of \$1,533 that we have referred to and the item of "Personal trip to Washington, D. C., to intercede for Indians by request of Indians (lease money), \$275," and "Expense one Indian same purpose, \$200," the next item is "Expense of self to Washington and return, on withheld annuities, \$200."

Mr. BENTLEY. Yes; there was \$211 each due certain Kickapoos, which they were very eager to get. I think I came here two or three times on that before we succeeded in getting it paid. The disposition of the Indian Bureau was to hold it up and not pay it at all. After a good deal of fighting—sometimes we just had to come to get the interest paid, and that was paid once a year—finally we succeeded in getting all that paid.

The CHAIRMAN. How much did you succeed in getting all told?

Mr. BENTLEY. I think about \$16,000 went to the Indians in Mexico. I won't be certain. I never had occasion to keep any account of it. It was paid through a national bank down there.

The CHAIRMAN. The next item is, "Expenses, two trips to Eagle Pass, same, \$108." Then there is another item, "Expenses, 70 Indians, Muzquiz to Eagle Pass, and return (false notice), \$700." What was that?

Mr. BENTLEY. A notice was sent that these checks had been forwarded to the bank on which the Indians were to receive their money, and they came out to receive this payment and it did not come, and practically the whole tribe came out, and one naturally borrowed from the other, and they came out to clothe themselves and fix up. There was a carload.

The CHAIRMAN. "Special attorney in Washington on account of opposition to this payment (Chester Howe), \$150."

Mr. BENTLEY. Yes, sir; I paid him that in cash. The books, if they can be found, will show the cash item paid, \$150.

The CHAIRMAN. The next general item is, "Expenses on account of Outcult and the crimes, Chapman raid, \$3,855."

Mr. BENTLEY. Yes, sir. I think I overlooked a lot of items. That ought to have been a good deal more. I have taken an affidavit of two or three persons who received and expended money from me for the Indians. I have one of those in my pocket—

The CHAIRMAN. How much ought it to be?

Mr. BENTLEY. I think it ought to be \$5,000 at least.

The CHAIRMAN. Now, it happens that all of these are even dollars, excepting one item. The first item is \$170; the next, \$600; the next, \$225; the next, \$350; the next, \$1,500; the next, \$60; the next, \$400; the next, \$300; and the next, \$250.

Mr. BENTLEY. I can explain why this item is exactly \$1,500, because I wired and received the money and paid it out.

The CHAIRMAN. That is for "Subsistence of Indians and coach hire during raid."

Mr. BENTLEY. That is the amount of money I got, and that is what I sent out.

The CHAIRMAN. That just happened to be exactly \$1,500?

Mr. BENTLEY. It came from the bank; yes, sir. I am certain that is exactly what I received.

The CHAIRMAN. "Pay of two white men helpers to protect Indians, \$400."

Mr. BENTLEY. I have the affidavit here of one of them.

The CHAIRMAN. Who were they?

Mr. BENTLEY. Mr. Erney and John W. Gostin. They say they made 10 round trips from Muzquiz to Eagle Pass, and my estimate is not half what they paid out.

The CHAIRMAN. This is an estimate?

Mr. BENTLEY. That was this account.

The CHAIRMAN. You say, "Your estimate." That is what I have been asking you all through your account.

Mr. BENTLEY. My account showed the amount that is there, but I believed I had advanced more than was there, and for that reason Gostin's affidavit was taken, who spent that money, and he says that altogether they spent probably twice that amount.

This happened: Our own Indians were attempting to get out of Mexico, to get away from Outcult. They came down to the railroad, some 30 miles, and there they were arrested and railroaded back to Muzquiz. Their horses and animals were left there to be paid for, and a great expense grew out of that. Gostin paid that, and that does not show in this account.

The CHAIRMAN. Yes; this says, "Their subsistence, car fare, telegrams, and other incidental expenses, \$300." There was \$400

paid these two white men helpers and \$300 for subsistence and other expenses to them, making \$700 paid to them according to this account.

Mr. BENTLEY. I think I paid them more.

The CHAIRMAN. What makes you think so?

Mr. BENTLEY. Because that was so.

The CHAIRMAN. Why did you not keep it accurately?

Mr. BENTLEY. In fact, I could only keep it as it was reported to me. I could not go into Mexico, mind you.

The CHAIRMAN. You got this item from those men, did you not?

Mr. BENTLEY. I got it from such memoranda as I kept at the time.

The CHAIRMAN. You could have kept a memorandum while you were out of Mexico just as well as while you were in Mexico?

Mr. BENTLEY. That is true; but a great many times I failed to charge things I should have charged, paid with my money.

The CHAIRMAN. "Expenses to Monterey and Saltillo with Indian delegation and appeal to Government for protection, \$250."

Was that an estimated or actual expense?

Mr. BENTLEY. No, sir; it cost me a little more than \$250.

The CHAIRMAN. How much more?

Mr. BENTLEY. Probably \$150 more.

The CHAIRMAN. Why did you not put that in?

Mr. BENTLEY. In making up these accounts I find from memory frequently that I did not have a memorandum of all the things. Things occurred to me that I did not have any memorandum of.

The CHAIRMAN. Now, the next general head is, "Expense affecting false testimony offered by Good as to alleged forged indorsements of Treasury warrants." That aggregates \$3,510. The first item is, "Witnesses and subsistence, \$35." The next, "Attorney fees before grand jury Del Rio and expenses self and witnesses attending before grand jury, \$575."

How much of that was attorneys' fees?

Mr. BENTLEY. I won't attempt to say how much of it was.

The CHAIRMAN. Who was that attorney?

Mr. BENTLEY. I think there were two of them—Judge Douglass and Joe Jones, of Del Rio, Tex. I would like to explain about that attempt to indict me.

The CHAIRMAN. I am not asking about that.

Senator TOWNSEND. You have testified on the subject, have you not, Mr. Bentley?

Mr. BENTLEY. As to this—

Senator TOWNSEND. As to these things?

Mr. BENTLEY. I do not recall ever having testified in this manner. I have testified in a general way.

Senator TOWNSEND. I did not want to interrupt the Senator, but what I wanted to get at is, have you gone over this ground before the whole committee recently in the Senate?

Mr. BENTLEY. No; not item by item; only in a general way.

The CHAIRMAN. What I am asking about now is the account. I am taking it for granted that the statement here is correct, and I am looking now into the items of this account.

Mr. BENTLEY. The attempt to indict me at Del Rio is probably—that is a correct estimate of the expense.

The CHAIRMAN. You say it is probably correct?

Mr. BENTLEY. I think it is probably an accurate estimate.

The CHAIRMAN. You say, "estimate" again.

Mr. BENTLEY. What I mean by that is this: These items show in various places in my accounts. And you can not, in making up this account—the expense on account of a grand jury or some place in court may have been from two or three sources, two or three memoranda.

The CHAIRMAN. The next item is, "My imprisonment at the instance of the United States attorney and the imprisonment of Indians, Muzquiz, Mexico, attorney fees to Mexican attorneys, \$1,700."

How much of that \$1,700 was fees and how much expenses connected with your imprisonment?

Mr. BENTLEY. My recollection is this, that one of the attorneys—no; I am mistaken. I thought that was the instance where they attached the Kickapoo lands for attorney fees, but it is not. The attorney fees in that instance—one of them was \$500, paid to Mr. Field. He came there during the time I was in prison. I could not say offhand—

The CHAIRMAN. What I want to know is why that item is in there that way. Was that \$1,700 all fees?

Mr. BENTLEY. Fees and expenses, probably.

The CHAIRMAN. Why were the expenses and fees run together as one item? You do not generally do that.

Mr. BENTLEY. There was so much of that stuff you would want to boil it down as much as you could.

Now, there was a lot of attorneys mixed up in this. I paid the expense of the vice consul, or the American consul, who came there. There was a half dozen attorneys came there. There was some expenses connected with that that I really would not want to testify to that was real attorneys' fees.

The CHAIRMAN. Why wouldn't you?

Mr. BENTLEY. I was there in prison, and I wanted to get out—

The CHAIRMAN. Nobody blames you for that.

Mr. BENTLEY. And when you are in Mexico you have to do as the Mexicans do to get out. That item is in getting away, or connected with that. Persons were paid only those sums that were necessary for my defense, to save my life, and get out of there.

The CHAIRMAN. I know, but if you expect the Government to pay it to you you ought to show the Government to whom it was paid.

Mr. BENTLEY. Senator, this account was not made up along the line of attempting to show every cent. This account figured up to some \$50,000, and there was not—

The CHAIRMAN. The next item is, "Expense Mexican officials to investigate detention, \$250."

Mr. BENTLEY. Well, I think that was the item that was paid in getting certain—will you read that again, please?

The CHAIRMAN. "Expense, Mexican officials to investigate detention." I would understand it to be that you paid the expense of some Mexican officials to investigate your detention.

Mr. BENTLEY. I think that item relates to the expense of endeavoring to—I paid one Sanchez to endeavor to decipher the telegrams

that were in cipher, trying to locate who got the money, so I could get that before President Diaz and get them deposed.

The CHAIRMAN. Did you succeed in getting them deposed?

Mr. BENTLEY. Yes, sir; the governor went out, and a judge, too.

The CHAIRMAN. So part of this money was used that way?

Mr. BENTLEY. Yes.

The CHAIRMAN. In getting you out of jail?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. "Police service, spies, \$125."

Mr. BENTLEY. That was police service guarding the camp against the bunch that came there and later robbed them.

The CHAIRMAN. "American attorney from Washington, D. C., fees, expenses, etc., 40 days' time, \$650."

Who was he?

Mr. BENTLEY. Mr. Field.

The CHAIRMAN. Why did you not put his name in there?

Mr. BENTLEY. I don't know why.

The CHAIRMAN. You designate him as "American attorney." It would have been simpler and easier to say "W. S. Field, attorney." What was your object?

Mr. BENTLEY. I am certain I had no thought of not telling who the attorney was. "American attorney" is probably why it was not given as "W. S. Field"——

The CHAIRMAN. Mr. Field prepared this himself, did he not?

Mr. BENTLEY. I furnished him——

The CHAIRMAN. You furnished him the memoranda, and the made up the statement, and in making the statement he omitted his own name and put it "American attorney." Do you know what his motive was in doing that?

Mr. BENTLEY. No, sir; I do not; unless it may have been so that the account would show who was an American attorney or Mexican.

The CHAIRMAN. You will notice, that with the exception of the names of Howe and Everest, the names of attorneys do not appear in the account. It is "Mexican attorney" or "American attorney." "W. S. Field" would have identified him as not being a Mexican attorney.

Mr. BENTLEY. Well, I gave him three checks of \$200 each.

The CHAIRMAN. What was that other \$50 for?

Mr. BENTLEY. Sir?

The CHAIRMAN. You say you gave him three checks of \$200 each?

Mr. BENTLEY. I gave him three checks of \$200 each that I recall.

The CHAIRMAN. And you charged up \$650.

Mr. BENTLEY. I think probably the other was some expense about Muzquiz that was paid in cash.

The CHAIRMAN. "Wife and son to Mexico to assist, \$175." That was your wife and son?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. The next general item is "Expenses on account of court, personal civil action brought at department's suggestion," aggregating \$1,135.

What was that action?

Mr. BENTLEY. I rather think probably that referred to the trial in Oklahoma, at Tecumseh, probably—the Kah-kah-to-the-quah case, probably. I think that was more, though.

Senator LANE. When was that?

Mr. BENTLEY. 1910, I think.

The CHAIRMAN. You say that suit was brought at the suggestion of the department?

Mr. BENTLEY. Yes, sir; if it is the Kah-kah-to-the-quah case.

The CHAIRMAN. Was not that the case you stated the other day the department fought you in?

Mr. BENTLEY. No, I think not. I will have to explain that. There had been appointed first and last in these Kickapoo cases three special assistant attorney generals of the United States. First was J. Henry Shepherd, then Ormsby McHarg, and last was Francis Kearful. One of those suits was brought at the instigation or advice of the Assistant Attorney General, and we fought it desperately. I employed the best attorneys I could find. The trial lasted several days. I brought witnesses from Mexico and everywhere. I paid that boy right there—Murdock—\$8.60, if I recollect correctly.

The CHAIRMAN. That does not go very far.

Mr. BENTLEY. I think he brought a couple of witnesses in there.

The CHAIRMAN. Let us go on with this next item: "Oklahoma witnesses, depositions, etc., \$350."

What amount of that was for witnesses, and what amount for depositions?

Mr. BENTLEY. I would not attempt offhand to say.

The CHAIRMAN. Was that just estimated, or was that an accurate statement of an amount paid out?

Mr. BENTLEY. My best judgment is that that schedule is actual amounts paid out.

The CHAIRMAN. And it happened to be just \$350?

Mr. BENTLEY. It might have been \$350.15, and it probably was not put on there. I do not know.

The CHAIRMAN. Now, the next item is, "Attorneys' fees, \$500." Who was that attorney?

Mr. BENTLEY. Is it attorney fee or fees?

The CHAIRMAN. "Attorneys' fees, \$500."

Mr. BENTLEY. If this is the case I have in mind—of course, I am only testifying from my best recollection here at this time, but there were several attorneys. This case J. H. Wood took part in, and a man by the name of Pendleton, a man by the name of John H. Wall, of Shawnee, and it seems to me there was another one. It was a very stubbornly contested case, if that is the one. There are so many of these things.

The CHAIRMAN. Anticipating a little, I see that in a subsequent item, to which I will call your attention directly, you have specifically named all those attorneys—Everest, Green, Wall, Pendleton, and Blakeney—in an item amounting to several hundred dollars, in a civil suit against the community. Did you also have them employed in this other case?

Mr. BENTLEY. I will tell you—yes, there were several of those suits. There was a strange kind of suit brought that cost me a lot of money. It was claimed by somebody on the part of the officials that when I, as trustee, deposited the money I had drawn out of the treasury, as I did, that belonged to a minor that I became liable to the court or Okemah, and therefore would have to account. And I think I was sued for \$30,000.

The CHAIRMAN. What official?

Mr. BENTLEY. It might have been Mr. Thackery. I think he advised or encouraged the suit. I was told he did.

The CHAIRMAN. Now, you are testifying. You say, "It might have been"?

Mr. BENTLEY. I have other people's word, of course, for that. I am testifying as near as I can to what I know about it.

The CHAIRMAN. You can not tell me, then, to whom that attorney fee was paid unless you have already told me?

Mr. BENTLEY. I could not without reflection, or without knowing the case.

The CHAIRMAN. In that connection, in making up this account, why did you not state what case that was? That would not identify the case to anybody in the world but you or somebody else that knew the history of it, and I want to ask why you did not identify the case?

Mr. BENTLEY. I really am unable to give any reason at this time for not being any more definite. I suppose it was made briefly.

The CHAIRMAN. "Traveling expenses to and from Mexico taking depositions, \$250; court costs, \$35."

Mr. BENTLEY. That was depositions taken at Monclova. There is a great big stack of them that high [indicating].

The CHAIRMAN. What case was it?

Mr. BENTLEY. Numerous cases. They were taking depositions several times there. The expense of it Mr. Field kept himself. He kept a memorandum of the expense.

The CHAIRMAN. The next general head embraces several items aggregating \$1,615, "Expenses of my escape from Mexico, occasioned by prosecution of Outcalt with expense of defending Indians arrested and making deeds." The first item under that head is, "Paid chattels, coach, trainmen, police, etc., \$250."

That was an estimate, I take it?

Mr. BENTLEY. No, sir: that was not an estimate. I recall the items; that is, I could sit down and tell you now. Those things are very vivid in my mind. Of course I prepared a memorandum of my expenses in getting away from there. I think I can furnish it. I think I have it yet. I am very certain that among my papers here is a complete diary of that getaway, who I paid, and what I paid.

The CHAIRMAN. "Expense of taking 70 Indians to border to make deeds, \$1,000."

Mr. BENTLEY. Yes, I think that is correct. You see, the American consul was forbidden, through the efforts of the Indian Office, as the report on affairs of the Mexican Kickapoo Indians will show—they were forbidden to take acknowledgments for me. Otherwise there would have been no necessity for any Indian coming to the border.

The CHAIRMAN. How far is it to the border?

Mr. BENTLEY. Oh, the expense in and out of Mexico—the car fare—I think, is about \$10, is my recollection. I won't be sure. It is 150 miles.

The CHAIRMAN. Is that gold or Mexican?

Mr. BENTLEY. That would be—a first-class ticket, if I recollect, in and out of there is \$9.

The CHAIRMAN. Is that gold or Mexican?

Mr. BENTLEY. That would be gold. It is about \$4.50 gold first class, is my recollection about it.

The CHAIRMAN. "Expenses occasioned by arrest of Pah-ko-tah, Jim Deer, Okemah, and others, first time, \$150." That was expenses you paid out for them?

Mr. BENTLEY. For them. I sent an attorney there.

The CHAIRMAN. How much of that was attorneys' fees?

Mr. BENTLEY. I think \$100.

The CHAIRMAN. What was the other?

Mr. BENTLEY. \$50 was money given him to give to the Indians who were in prison.

The CHAIRMAN. Who was that attorney?

Mr. BENTLEY. Judge Douglas, of Eagle Pass, Tex., now district judge of that district.

The CHAIRMAN. The next item is "Attorney fee same and expenses, \$90." Evidently the attorney fee was not embraced in that \$150. Can you tell us what the \$150 was?

Mr. BENTLEY. I may have sent them \$150 instead of \$50. As I told you, I am only testifying from my best recollection. I know I sent him money, and I sent the very ablest attorney.

The CHAIRMAN. You did not pay him but \$90 for fee and expenses, according to this statement.

Mr. BENTLEY. Perhaps that is correct, but whatever expense I have shown there I am very certain is correct.

The CHAIRMAN. I am not asking you general questions. "Arrest Okemah and party at Sabinas, \$125." What was that?

Mr. BENTLEY. Okemah and a party of some 14 or 15 others were arrested at Sabinas and taken back to Muzquiz. The railroad had washed out, and they had to make a part of the trip on foot through the mud. Some children and women were with them. I gave Mr. Erney, my recollection is, \$100, and he followed them all the way around and bought them provisions, and got such transportation as he could arrange for for the women. The mud was knee-deep, I was told.

The CHAIRMAN. You say you recollect giving him \$100?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. What was the other paid for?

Mr. BENTLEY. I recollect giving him \$100 for the use of the Indians. As to the other \$25 I am unable to say—expenses, probably.

The CHAIRMAN. The next general item amounts in all to \$2,960, "Expenses before grand juries at Eagle Pass, Texas, in indictment of Grimes et al." The first item under that is, "Carfare and subsistence thirty Indians forty-two days first grand jury, first hearing, \$1,220."

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. The next item is, "Eight Indians returning, Muzquiz, \$50. Pay eight witnesses, \$40."

What became of those other 22 Indians?

Mr. BENTLEY. They went on around. They did not go back to Muzquiz; they went on to Marfa, if I recollect, and there they were freighted down the Rio Grande 90 miles to rejoin the others in the desert. We were there three times before that grand jury before we succeeded in getting indictments. Very unfortunately, once the grand jury did not convene when it was set to, and we had to wait there, and expenses were very heavy.

The CHAIRMAN. "First grand jury, second hearing, witness expenses from Shawnee, \$250." How many witnesses did you take down there, Mr. Bentley?

Mr. BENTLEY. Oh, I think, including the interpreter, there were seven or eight of them, is my recollection. Of course, we probably included the pay of the interpreter, but I won't be sure.

The CHAIRMAN. "Expenses, second grand jury, witnesses' travel and expenses, \$800."

Mr. BENTLEY. Yes; I think that is correct.

The CHAIRMAN. "Special attorney before grand jury, - \$600." Who was that?

Mr. BENTLEY. Mr. Field.

The CHAIRMAN. Why did he not put his name in there?

Mr. BENTLEY. I do not know; I have no explanation to offer, unless—let me see. That might have been Joe Jones. I paid a Del Rio attorney \$500—one Joseph Jones. But I think Mr. Field came there from Washington that second time and that is his expenses and his fee.

The CHAIRMAN. The next aggregates \$16,150, and relates to "Expense of removal of entire tribe from Muzquiz, Mexico, to Sonora, Mexico, beginning May 6, at Muzquiz, Coahuila, and terminating November 7, 1909, at Douglas, Ariz." The first item is, "Salary and expenses Gostin, including guides at various places, \$1,150."

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. How much salary did you pay Mr. Gostin?

Mr. BENTLEY. I would not be able, without consulting some memoranda I have, to tell you just what I paid him in salary during that time.

The CHAIRMAN. Do you know how many guides he had?

Mr. BENTLEY. The customs officer at Presidio, Tex., furnished guides. The Indians were lost there three weeks in the desert, and I sent that man money, and he sent out couriers into the desert hunting the Indians. They came very near perishing.

The CHAIRMAN. How much money did you send him?

Mr. BENTLEY. To the customs officer?

The CHAIRMAN. Yes.

Mr. BENTLEY. I think \$50 one time, and some more another time that I sent to him. Some bills came there later that Gostin had made in making arrangements to carry water from one water hole to another.

The CHAIRMAN. The next item is, "Permission to pass through Mexican properties, \$275." Did you have to pay that?

Mr. BENTLEY. Mr. Gostin says that away exceeded that. He says the money I furnished him to pay that—that I must have misunderstood his report, because it was much more. You see, we had several hundred head of stock, and we had to pay for carrying water and other things.

The CHAIRMAN. How much was it?

Mr. BENTLEY. He says it is in excess of \$500 that we paid.

The CHAIRMAN. Did he not tell you how much it was? He just said it was more than \$500?

Mr. BENTLEY. He says he paid more than that.

The CHAIRMAN. "Self two trips into interior to supply funds, \$300." Did it cost you that?

Mr. BENTLEY. Indeed it did. One of those trips cost me more than that—more than \$150. There was about two weeks that I was

where the Orient Railway crosses the Concho River. The Indians were supposed to be in the desert. They crossed 50 miles below. They might have crossed the night they arrived at the river, but they foolishly camped on the wrong side, and the river came up during the night and they could not get across. I had to make some expensive hack trips to finally get them located, and I came near being killed in the meantime.

The CHAIRMAN. "Sending 20 Indian witnesses from grand jury to Presidio, \$600." Where was that? Presidio, Cal.?

Mr. BENTLEY. No; Texas. We had them at Eagle Pass, these witnesses, until the grand jury would convene. Then we had to send them to Spofford Junction, then around to Marfa, then 90 miles by hack to the river; then we held them there a long time. I had to wire and get an interpreter to come from Shawnee. We had a lot of expense on account of that.

The CHAIRMAN. The next item is "Subsistence, \$7,825."

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you keep accounts of that?

Mr. BENTLEY. Yes, sir; I kept an account of the money I sent there for that purpose. Of course, I could not keep any account any other way.

The CHAIRMAN. Have you that account now that you kept?

Mr. BENTLEY. I think I can furnish it.

The CHAIRMAN. I wish you would let me see it.

Mr. BENTLEY. I think it is among my papers.

The CHAIRMAN. How many Indians were there in that group?

Mr. BENTLEY. About 200.

The CHAIRMAN. "Loss of 300 horses dead from heat and lack of water on this trip, \$6,000."

Mr. BENTLEY. Of course, that is what is reported to me.

The CHAIRMAN. How did you figure that the Government should pay that? You did not pay for those horses?

Mr. BENTLEY. No; I am not asking the Government to pay me that. I am asking that money to be reimbursed to the Indians. But, if the Indians were, through the connivance of some Federal officials, compelled to give up their home and make this trip of a thousand miles through a desert country, and this was brought about and made necessary by the bad faith on the part of the Government officials and the United States was indirectly responsible for the loss of those horses, I think it ought to pay for them. Of course, I am only giving my best judgment as to that. I would not claim that as anything paid by me.

The CHAIRMAN. Would not less than half that amount have taken them around by rail?

Mr. BENTLEY. Oh, yes; but here was all their horses—no; it would not; I do not think so; and you could not have got them to go that way. They would not leave their stuff behind. We had one carload that we did ship around, and that cost \$475, so I think we did probably the only thing.

The CHAIRMAN. The next is, "Pay of expenses incurred in trial of civil cases in the district court, Pottawatomie County, Okla., including the pay of Indian witnesses from Mexico, attorneys fees, and other incidental expenses, \$2,400."

Have you an itemized statement of that?

Mr. BENTLEY. I think I can furnish an itemized account of that trial and everything connected with that.

The CHAIRMAN. "Expenses in Federal cases, civil suits in Oklahoma for the purpose of protecting title. Clerks fees filing 27 cases, \$405."

That is the filing fees, is it?

Mr. BENTLEY. \$300 of that was paid to J. H. Everest for preparing and filing the answers, as I recall, and \$105 was the clerks' fees in filing those suits. Those items were paid by check.

The CHAIRMAN. The next item is, "Clerks' fees, deposited as defendant, 43 actions, \$215."

Mr. BENTLEY. That is my recollection; that is correct.

The CHAIRMAN. There are several small items I am not going to ask you about, but there is a large item embraced within that general head: "Expenses of attorneys and interpreters and Bentley taking depositions Eagle Pass, Muzquiz, and Mondova in 23 cases, \$1,250."

Is that an accurate statement, or is it estimated?

Mr. BENTLEY. I think it is an accurate statement, and I am quite certain that I can furnish the memoranda upon which that is based.

The CHAIRMAN. "Attorneys fee in local courts, Oklahoma, Everest, \$300."

Mr. BENTLEY. The chances are that there was a mistake. I want to be perfectly frank. That might be a mistake. I might have charged that item twice. If I have, I want to correct it.

The CHAIRMAN. Then that was embraced within the \$1,250?

Mr. BENTLEY. I am quite certain that is an error, but it may not be. If it is I want to correct it.

The CHAIRMAN. "J. H. Woods, \$150."

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. "W. S. Pendleton, \$450."

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. "J. H. Wall, \$250."

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. "W. W. Ives, court costs, \$500."

Mr. BENTLEY. That is correct.

The CHAIRMAN. As a matter of fact, that item of court costs is merely estimated, is it not?

Mr. BENTLEY. No; Mr. Ives furnished me a memorandum of the sums that he—Indian witnesses would come to Shawnee, Okla., and would have to be fed. Maybe they would arrive in my absence, and Ives took care of them in my absence, and he kept account of that.

The CHAIRMAN. Did it amount to exactly \$500?

Mr. BENTLEY. Well, it either amounted to that or more than that. It might have been a few cents over. If it was, the way this account was made up it would not have been put on.

The CHAIRMAN. Now, when you first made out this account you first put that July, 1907, did you not, and afterwards revised your account so as to show 1908?

Mr. BENTLEY. No, sir. After this account was rendered, or made up, or I should say before it was brought before the conference committee, it was discovered that an error had been made in it as to a date, and Mr. Field corrected that; I had nothing to do with that.

The CHAIRMAN. As a matter of fact, was not that correction made because Mr. Burke, who was on the conference committee, insisted that the act of 1908 settled all that?

Mr. BENTLEY. That is true, but on the other hand, I think the correction was properly made. I think it was a mistake as to the date. I am quite certain that while I had nothing to do with making the change in the paper, I think Mr. Field was justified. I think it was in error before, and I think it is correct now.

The CHAIRMAN. It became necessary to change a number of the other dates in the same connection, did it not?

Mr. BENTLEY. I do not know as to that. I only recall the one. Whatever changes there may be, I had nothing to do with.

The CHAIRMAN. Why did you have four attorneys in those cases? What was the idea of that?

Mr. BENTLEY. This last case?

The CHAIRMAN. The case I have just been asking about; the Federal cases where 27 cases were filed. It seems there were 43 actions in which Indians were defendants.

Mr. BENTLEY. Why, I suppose—some were in one county and some were in another—for various reasons different attorneys were employed.

The CHAIRMAN. I see you have embraced in this statement an item, "Pay of incidental expenses, traveling expenses self and attorneys during committee investigation, \$500."

Mr. BENTLEY. Yes, sir; that is true.

The CHAIRMAN. You traveled with the committee, did you not?

Mr. BENTLEY. I was with the committee during its entire trip; yes, sir.

The CHAIRMAN. You did not pay any railroad fare?

Mr. BENTLEY. No; no railroad fare was paid by me.

The CHAIRMAN. "Expenses incurred in spring of 1909, trip self and Field to Mexico on account of Mark Goode and others together with attorneys' fees (civil suits against community)."

The items under that are: "Cost of trip, \$400; attorney fees, same, Everest, \$150; Green, \$25; Wall, \$100; Pendelton, \$150; Blakeney; \$100; total, \$925."

What did you want with so many lawyers there?

Mr. BENTLEY. Well; I will tell you. As I recall it, the fee of Blakeney was where this suit had been brought against me as trustee in behalf of the creditors of certain minors, and they had it tied up. I had \$20,100 of this community fund, and had deposited it in Washington and Shawnee, and a part of that fund was attached, and my recollection is now I paid Blakeney \$150 to go to Chandler, and argue that case. Blakeney's theory prevailed, and I got the money out of that.

The CHAIRMAN. I concede that the fee was probably reasonable in view of that statement, but what I asked was why you had so many attorneys. There were four attorneys there in that connection.

Mr. BENTLEY. They were not always employed in the same case, Senator. There were so many of these cases. One in particular—Blakeney is a very able attorney, and the amounts involved there—I thought he could present it better than Everest or some of the others. He succeeded anyway in getting the money loose.

The CHAIRMAN. Why did you not let Blakeney attend to all the cases?

Mr. BENTLEY. Well, it is a peculiar relation. Ben Blakeney was attorney for the men who robbed the Kickapoos, and had been my attorney, yet when a difficult point is to be argued in court and a fee is contingent he is the best lawyer in Oklahoma, and notwithstanding he had been unfaithful to me, I did employ him in certain cases where I believed it required that character of ability. Take the whole array of attorneys, however—Everest, Goode, Wall, and Pendelton—I believe there is no better in the State, I mean as to their standing as men.

The CHAIRMAN. The last general item is, "Expenses caused by active opposition prior to San Bernardino Council. Extra trip, Douglas, Ariz., to Shawnee and return, with interpreter, \$175. Livery, \$25."

What is that for?

Mr. BENTLEY. The livery charge was when Mark Goode and an agent of the department came to Douglas, Ariz., and took a policeman in full gear from Douglas into the interior, some 40 or 50 miles, to apparently awe the Indians with this man in the costume of an officer. When I learned that I provided Gostin with a suitable rig and sent him in there to see that no advantage was taken of the Indians. Notwithstanding that, he did kidnap and take away some of the weaker ones; I think, some 25 or 50. That was one of the expenses.

The CHAIRMAN. "Clerk to Muzquiz and return, \$50." What was that?

Mr. BENTLEY. That was Mr. Erney, I think, who was sent down there for something. I do not recall that.

The CHAIRMAN. From where?

Mr. BENTLEY. Probably from here.

The CHAIRMAN. He could not go to Muzquiz and back for \$50, could he?

Mr. BENTLEY. Well, then, it must have been——

The CHAIRMAN. You do not know, do you?

Mr. BENTLEY. I do not recall at this time just what the clerk mentioned was.

The CHAIRMAN. "Extra support Indians, \$275." What was that?

Mr. BENTLEY. If I could refresh my memory—that was probably some necessary expense that I do not at this time recall.

The CHAIRMAN. "Defense in Wah-nah-ke-tha case, \$565." What was that for?

Mr. BENTLEY. There came a time in the Wah-nah-ke-tha case when the attorneys who had a contract with him to receive a fee of a part of his land had no funds. Depositions had to be gotten within a specified time or the old man would lose his case. Notwithstanding his attorneys were bitter enemies of mine, rather than that he should lose his case on their appeal, I furnished the money to get these depositions. In the account I have, approved by their attorney, I have his receipt for \$565—or his statement, at least. That was actual money.

The CHAIRMAN. You have verified these several items about which I have asked you as a just, correct, and true statement of the expenses incurred by you, etc.?

Mr. BENTLEY. To the best of my knowledge; yes, sir. I believed then, and do now, that they are true, except that possibly there may be an error of \$300. If there is, I should be very frank to admit it.

The CHAIRMAN. You looked over this affidavit on the front page a while ago?

Mr. BENTLEY. Yes, sir; I think that is as I drew it.

The CHAIRMAN. That will go in the record without reading it.

(The affidavit referred to is as follows:)

DISTRICT OF COLUMBIA, ss:

Personally appeared before me, the undersigned authority for and within the District aforesaid, Martin J. Bentley, who being by me first duly sworn, deposes and says: That since the year 1896 he has been continuously associated with and in charge of the Kickapoo Indians either as an agent of the United States or as their agent and trustee by their election, acting for and with them both in the United States and in old Mexico.

The item of \$41,000, being Senate amendment 111 of the Indian appropriation bill, includes the sums of money actually and necessarily expended by me or through me and out of the community fund of the Mexican Kickapoo Indians.

That the Mexican Kickapoo Community in Mexico are not indebted to any attorney or attorneys, nor is there any known demand to me on the part of any attorney or attorneys, or claim of any kind or character for legal services due from or claimed to be due from said community; that not \$1 of said \$41,000 would be paid to any attorney.

It is a reimbursement to the Kickapoo fund for cash already paid and expended in the defense of the Kickapoo Indians and the Kickapoo Community occasioned by the interference and persecution of said community, its members and helpers, by the Indian Bureau in its efforts to deprive these Indians of their liberty, to destroy their property rights, and to by indirection defeat the objects of the laws of Congress enacted for the benefit and in the furtherance of their efforts to establish themselves permanently in the Republic of Mexico.

(Signed) MARTIN J. BENTLEY.

DISTRICT OF COLUMBIA,
City of Washington:

Sworn to and subscribed before me, a notary public in and for the District of Columbia, this 31st day of July, A. D. 1912.

[SEAL.]

(Signed)

R. B. NIXON, *Notary Public*.

My commission expires December 16, 1915.

The CHAIRMAN. You say you do not know anything about the accounts of Mitscher and Field?

Mr. BENTLEY. I do not, unless I can look them over. It is possible there may be something there—

The CHAIRMAN. I see in one of these accounts there is a fee charged to you of \$200. Did either Mitscher or Field pay you a fee?

Mr. BENTLEY. It might be termed a fee, perhaps. That item—after I had turned over, as I believed from my records, all the money I had, and a little more, to my cotrustees, and \$100 was readvanced to me to come here to Washington and make this settlement, I was paid \$100.

Representative BURKE. What is the aggregate of that?

The CHAIRMAN. The aggregate of your statement appears to be \$48,523.

Mr. BENTLEY. I think that is correct.

Senator TOWNSEND. May I ask a question there? All this money was expended by you prior to the appropriation of the \$215,000?

Mr. BENTLEY. Most of it; not all of it.

Senator TOWNSEND. What portion of it was expended after that?

Mr. BENTLEY. Well, Senator, I would have to refresh my recollection and figure it over to tell you. A good deal of it. The most of it, I think, was before I received any of the \$215,000.

Senator TOWNSEND. Where did you get the money that you paid out prior to the time this \$215,000 was appropriated?

Mr. BENTLEY. Senator, I sold farm land, I sold town lots, I collected mortgages. I got money—borrowed it. I got it anywhere and everywhere I could.

Senator TOWNSEND. You spent your own money?

Mr. BENTLEY. Yes, sir; I spent my own money, too.

Senator TOWNSEND. Thousands of dollars? And you at that time had no assurance you were ever going to get anything for the Indians?

Mr. BENTLEY. No, sir; I took chances.

Senator TOWNSEND. So you spent \$30,000, we will say—\$32,000, if I have it correctly—prior to 1908 of your own money?

Mr. BENTLEY. Either my own or that I had pledged my credit for.

Senator TOWNSEND. Well, it was your money.

Mr. BENTLEY. My money; yes, sir.

Senator TOWNSEND. At that time how much were you worth?

Mr. BENTLEY. Well, the \$30,000, or approximately that, that I would have been held for at that time had I been compelled to meet these obligations myself out of my own funds and my property at forced sale—I don't suppose it would have left me anything.

Senator TOWNSEND. So you spent, either what you had or on credit, more than you were worth?

Mr. BENTLEY. More than I would be worth at forced sale; yes, sir.

Senator TOWNSEND. And you had at that time, I repeat, no assurance that you were ever going to get a dollar back?

Mr. BENTLEY. None in the world, sir. I simply had done this: I simply had promised to these Indians that if I lived I would secure them a home in Mexico. And if any man ever endeavored to keep an agreement or to follow out a thing that he had attempted to do, in the belief that it was right, I did it in this case. The only wrong I have done in that is to my family.

Senator TOWNSEND. Now, is it not a fact that the Indians lost more—because nearly all these items you have mentioned here have been items of expense either paid to attorneys or in law suits for witnesses, bringing men back and forth from Mexico—is not this loss more than the Indians would have lost if you had not touched that at all?

Mr. BENTLEY. No. Oh, you mean had I never had anything to do with that?

Senator TOWNSEND. Yes.

Mr. BENTLEY. No. Had this whole \$215,000 gone to them for the purpose that it was intended for, and had I not been interfered with and carried out my plan, they would have been two or three hundred thousand dollars better off.

Senator TOWNSEND. You could have gotten that \$215,000 without all of these expensive lawsuits and other things and going down to Mexico.

Mr. BENTLEY. Yes; but, Senator, their land—or at least the value of \$250,000—they had been robbed of it, and this expense was incurred largely in recovering that. The United States was responsible absolutely for these titles being taken away from them. Had they been given the same protection that other citizens of the United States had in a foreign country they never would have been robbed,

but through the connivance of the Indian Bureau they were denied consular protection. We were denied all those rights and privileges that go to a foreigner in a foreign country.

Senator TOWNSEND. You induced them to go to Mexico?

Mr. BENTLEY. No indeed, Senator. I never induced them to go. They seduced me into taking them.

Senator TOWNSEND. They would not have gone there if it had not been for you.

Mr. BENTLEY. Oh, I think they would. They would not have stayed in Oklahoma so long. Here is what would have happened, Senator. The original money that came into my hands, of theirs, to move them with—an Indian would get \$3,000 or \$4,000 and give me that in trust. I gave him my note, and ultimately paid it all back. But I have served him, I have moved him down there, and fed him, and clothed him, and let him have the money as soon as he needed it until it was all paid back. Any part of it that I used were those who had no money unless this \$86,000 fund, or land-sale fund, would have come into my hands. Do I make that clear?

Senator TOWNSEND. Very clear.

Mr. BENTLEY. All the sums received by me from them as individuals were turned back to them except one note. I owe one Indian yet \$800.

Senator TOWNSEND. I realize that. I am assuming that all that is true. You stated, I believe, in your testimony that when you were agent for the Indians they were in a prosperous condition?

Mr. BENTLEY. When I left them; yes, sir.

Senator TOWNSEND. When you left them they were in a prosperous condition. Then commenced the movement into Mexico?

Mr. BENTLEY. Not immediately.

Senator TOWNSEND. How soon?

Mr. BENTLEY. I left the service in September, 1901, and they began moving to Mexico in January, 1903, or 1904. They had a good, thorough trial of the new agent and new officials. I have the date here on a letter I wrote to Senator Quay when the first bunch left.

Senator TOWNSEND. I do not care to go into any argument about that.

Mr. BENTLEY. I just want to supply the date.

Senator TOWNSEND. I will assume that it is somewhere in 1903 or 1904.

Mr. BENTLEY. Yes.

Senator TOWNSEND. At that time the Indians were prosperous?

Mr. BENTLEY. No; when they began to leave there and go to Mexico they had fallen into a state of disaffection again. They were fighting among themselves. A good deal of their property had been stolen—their mules. They were not in the condition then that I had left them in a year and a half or two years before that.

Senator TOWNSEND. Do you consider those Indians better off to-day financially than they were when you took them into Mexico, or when they went into Mexico?

Mr. BENTLEY. Yes.

Senator TOWNSEND. Do you consider that they have obtained a value sufficient to warrant all these expenses which you have incurred to them?

Mr. BENTLEY. Oh, no, Senator. If they had been paid for all they suffered, or were I to be paid for all I have suffered, I would not—\$86,000 would not be anything.

Senator TOWNSEND. What I am getting at is this: Was this investment of \$48,000 a good one for the Indians?

Mr. BENTLEY. Yes; in this way: Looking at it from the Indian's standpoint, to have remained where he was, he could not; he would have perished there, and he knew it. He was seeking self-preservation. They were seeking to get away where they might perpetuate themselves, and from that viewpoint it was well invested. They are growing now rapidly.

Senator TOWNSEND. There are 40 of them, or such a matter down there in Mexico who are not living on the reservation or the property you obtained. They are, as I understood you to say, in a desperate condition?

Mr. BENTLEY. There is no doubt as to that.

Senator TOWNSEND. How about the Indians who remained in Oklahoma?

Mr. BENTLEY. Senator, you will find them in the ditches. You will find them drunk on the streets of Shawnee. You will find that they are not living well. They have not got from day to day as much to eat as my Indians have in Mexico who are making their own living. It is my contention—and I base it upon this fact—that the reservation that I secured for these Indians in Mexico I could have sold to the Mormons for the purpose of colonization and moved my Indians on somewhere else and gotten \$45,000.

Senator TOWNSEND. I want to ask you this question, Mr. Bentley. It is rather a remarkable thing to me that a man that had \$30,000 should expend all that and obligate himself to pay more on a prospect that did not seem very bright, at least, of ever getting a dollar back. I want to ask you if there was nobody, either you or anybody connected with you, who was interested in any manner of speculation as to land in Mexico or elsewhere in that project?

Mr. BENTLEY. Not that had any active connection with it; no, sir; at no time, in no way.

Senator TOWNSEND. You talked this matter over with certain gentlemen before you purchased the land down there—bankers and somebody else?

Mr. BENTLEY. Before the time I had acquired any money sufficient to enable me to buy land, I did confer with certain bankers with the idea of getting them, if I found no other way, to advance the money necessary, or to buy a piece of country until a time would come when the restrictions of the Indians would be removed automatically, or could be removed, so that their estate here could be converted into something to pay for that. If we had gone that route, necessarily a banker would have had to make something out of it. But so far as I am concerned individually it has not been a matter of speculation with me. I did not do this for money.

Senator TOWNSEND. I am curious to know if the bankers were influenced by that same humanitarian view that you had.

Mr. BENTLEY. I am very certain they were not. If I had had anything to do with them, they would have had to be paid liberally for anything they did. It was a matter with them of investment.

Senator TOWNSEND. How did you expect to pay them when you went to talk to them?

Mr. BENTLEY. These bankers?

Senator TOWNSEND. Yes.

Mr. BENTLEY. I expected to do this, had they bought a piece of country suitable for the settlement of these Kickapoos, to have agreed to pay them some certain stipulated price, allowing them such a profit, if we could agree, as should be agreed upon, upon the purchase of the land, believing, of course, that sooner or later we would get money some way to pay for it. There was no other way. The Indians were determined to go, and my effort was to provide a home for them.

Senator TOWNSEND. And you did not think you could provide that home in Oklahoma?

Mr. BENTLEY. Oh, there is no place there left for Indians, Senator—real Indians.

Senator TOWNSEND. They had property there at that time?

Mr. BENTLEY. They have it yet, fortunately. And I am asking the full committee of the Senate to extend those restrictions for 25 years so they may continue to have it. It is their only salvation.

Senator TOWNSEND. Is not that the land on which you were asking to have the restrictions removed?

Mr. BENTLEY. Oh, yes; but at a time when, had they been removed and I had been let alone—land was high then in Oklahoma—and with the funds those lands would have brought I could have acquired for the Kickapoos 238,000 acres with more than 10,000 cattle, and that would have made them an ideal home. It was my idea to go to San Antonio, Tex., and spend practically the rest of my lifetime there. To me that is an ideal country.

Senator TOWNSEND. Originally you wanted the restrictions removed, because you thought you could take the money that could be obtained from their lands and invest it to better advantage in Mexico for the Indians?

Mr. BENTLEY. As to just a few of them. As to those seven; I had no intention at first of getting any restrictions removed from any but the seven. I secured those deeds to all those pieces of land—their homes—or somebody associated with me. Had the department followed the law, which was mandatory, and directed the Secretary of the Interior to immediately issue those patents—but they did not do it. The land had fallen in value. Had I not been interfered with and had the patents issued, as the evident intention of the law must have been, then I could have readily gotten money enough to have made a payment on this tract of land of 238,000 acres.

Senator TOWNSEND. Your intention in the first instance was to get the restrictions removed from those seven allotments—

Mr. BENTLEY. Only.

Senator TOWNSEND. And you were going to take that money and invest it where?

Mr. BENTLEY. To buy a property known as Pedro Blanco in the State of Coahuila, Mexico.

Senator TOWNSEND. Whose property was that to be?

Mr. BENTLEY. That was to be the property of the Indians.

Senator TOWNSEND. What Indians?

Mr. BENTLEY. The Kickapoo Indians. You mean, from whom was I to purchase it?

Senator TOWNSEND. No. The money you obtained from the sale of the allotments of these seven Indians was to be invested in Mexico and the land was to belong to all the Indians?

Mr. BENTLEY. Yes, sir; that is correct.

Senator TOWNSEND. Did those seven Indians consent to that?

Mr. BENTLEY. They did, and their testimony is found in that record taken under the process of a Mexican court, where they each so testified that they turned their land over to me so it might be exchanged for Mexican land.

Senator TOWNSEND. Was not that the money that you expended down there that you are accounting for here?

Mr. BENTLEY. Very little of it, if any; \$21,500 of that money was immediately invested in a piece of land, and that part of the money received from the sale of those lands was advanced to the owners of the lands—to Okemah and his wife and to No-ten. It was largely expended for those individuals. But they were perfectly willing then, and are now, that the whole tribe might live on the piece of land bought with the \$21,000—well, that was Mexican money, of course. I received at first only \$15,000.

Senator TOWNSEND. In gold?

Mr. BENTLEY. In gold. And of that, \$10,000 or \$11,000—practically \$11,000, with expenses—went into a piece of Mexican land. Had the Secretary issued the patents, we would never have bought that little piece of land at all, but when this fight came up it was the only thing I could do. Mexico would not tolerate the Indians there unless they lived upon their own land, and that still belongs to those persons whose money it was purchased with.

Senator TOWNSEND. Those seven?

Mr. BENTLEY. No, sir; because those seven never put anything into it. That land was bought by three of them.

Senator TOWNSEND. Three of the seven?

Mr. BENTLEY. Three of the seven, and they still own that land. It is a desirable property, too.

Senator TOWNSEND. I think that is all, Mr. Chairman. I just wanted to get it straight in my mind where that money came from.

Mr. BENTLEY. The money that is in that, very little, if any, of that came from the sale of those seven allotments, because that money was used to buy a temporary home with, and large sums of it were paid to the persons whose land I sold; and very little of that \$15,000, or \$18,000 and something, that was received from those three allotments was ever used in this instance.

Senator LANE. Is this the statement you made to the congressional committee before they authorized you to expend \$86,000 of the Indians' money without bond?

Mr. BENTLEY. No.

Senator LANE. You made this afterwards?

Mr. BENTLEY. This account was made up after that.

Senator LANE. Did they ask you what expenditures you had made before they granted you this authority?

Mr. BENTLEY. I was asked for two things. One was a schedule of my individual transactions—what had been received by me, what had been returned by me, and how much I still owed.

Senator LANE. That is not what I am asking you. Did you make them any statement of the amount of money which you say you

had voluntarily expended—as I understand, something like \$30,000 of your own money?

Mr. BENTLEY. Yes, sir.

Senator LANE. Did you make a showing to the congressional committee before this legislation passed which authorized you to expend more of their money?

Mr. BENTLEY. Yes, sir.

Senator LANE. Was it some such accounting as this?

Mr. BENTLEY. It is in the record of Affairs of the Mexican Kickapoo Indians. That account showed at that time that I had expended \$45,000 for the Kickapoos.

Senator LANE. And was it itemized in a manner similar to this and in the same method of accounting as this?

Mr. BENTLEY. Largely; it was made in an abstract way.

Senator LANE. Was there any investigation made by them; did they ask you for a detailed statement concerning it?

Mr. BENTLEY. It was gone over very carefully by the clerks of the committees.

Senator LANE. You say that is in some report?

Mr. BENTLEY. Yes, sir; it is in the Affairs of the Mexican Kickapoo Indians.

Representative BURKE. This statement that Senator Robinson has been interrogating him about was a statement made in 1912, when he was seeking an appropriation of \$215,000.

Senator LANE. I am just wondering what that congressional committee had before them in the way of a statement to justify them in giving him more money.

Mr. BENTLEY. They had this before them. They had a record here of 2,300 pages, where they had gone into all the affairs which the resolution of Congress directed them to. They had taken testimony from everybody who knew anything about it, and they certified to the Senate, or to Congress, in their report that they found that, while I had handled large sums of money, I had been ever diligent and honest.

Senator LANE. Who certified to this?

Mr. BENTLEY. The committee of the Senate in their report so certified, that I had been ever diligent in protecting the Indians, and honest with them. And no doubt the fact that this legislation passed under a plan that would permit this money to come into my hands largely grew out of the confidence of those men who did investigate and did report to Congress that I had been honest and square with the Indians in my dealings.

And I want, if you will permit me, to say this: There has never been from the beginning to the end of this transaction any person connected with me not of the best reputation. If you will take the attorneys, if you will take the trustee I selected, you will find every one of them to be the cleanest and most reputable people. There are no drunkards and no gamblers among them.

Senator TOWNSEND. You have been testifying here of items of expense, many of which have been for railroad fare. Did you always pay your railroad fare?

Mr. BENTLEY. I did this time. When I was in the Indian Service I had annual passes—the first year, I think. After I went out of the service, of course, I lost those privileges and I had to pay my fare.

Senator TOWNSEND. Did you never ask for any privileges from the railroad company?

Mr. BENTLEY. This is true: One company—the Missouri, Kansas & Texas Railway Co.—gave me transportation, and also the Southern Pacific for a time; but a time came when the law was changed. I only had trip passes on the Southern Pacific.

Senator TOWNSEND. That was 1906.

Mr. BENTLEY. And those privileges were cut off.

Senator TOWNSEND. Did you pay railroad fare prior to 1906?

Mr. BENTLEY. Over some roads sometimes I did. When I was with a carload of Indians, of course, I paid no fare. It was a kind of matter of honor. I had a 20-ride book that would take you from one division to the other on the Missouri, Kansas & Texas.

Senator TOWNSEND. Did you charge the Indians for your railroad fare?

Mr. BENTLEY. I did not charge the Indians where I did not pay it. If I had been using that book all the time that I went up and down the Missouri, Kansas & Texas Railroad they would have cut me off from that privilege. Many times I did pay my fare. I could not ride continuously, or my book would not have held out.

Senator TOWNSEND. You had a pass all the time?

Mr. BENTLEY. I had a pass all the time. It is probable that a good many trips I made I rode on those passes, but not after the law was passed cutting that off.

Representative CARTER. Do you mean to say that there was a limitation placed by the railroad company on the number of trips?

Mr. BENTLEY. That was not an annual pass, Mr. Carter. It was a 20-ride book.

Representative CARTER. You said they would have cut you off if you had ridden too much. Was there any such restriction?

Mr. BENTLEY. What I mean to tell the committee is this. Had I abused the privilege they would not have given me another book. I think you will find that railroad companies are pretty strict. If you abuse a privilege extended to you, it will not be extended very long.

Representative CARTER. I rode on passes and books too for a long time, and I never heard of any such limitation on them.

Representative BURKE. I have a pertinent inquiry I would like to make. I understand you want this committee to understand that at the time you got the \$215,000 you had expended of your own money something like \$30,000 without any means of reimbursement, and that it would be a loss to you if that \$215,000 was not appropriated?

Mr. BENTLEY. It is a question whether it would have been a loss or not. I had no security.

Representative BURKE. You have stated to Senator Lane and also to Senator Townsend, and, I think, to Senator Robinson, that you had expended this amount of your own funds?

Mr. BENTLEY. I mean to say by that, if you consider the amount that I had pledged my credit for, that I had.

Representative BURKE. And you would have been out that much, would you, or a considerable sum?

Mr. BENTLEY. That would depend.

Representative BURKE. Can't you be specific?

Senator TOWNSEND. He stated that.

Mr. BENTLEY. I know, but an explanatory answer might be proper.

Representative BURKE. Let us have the explanatory answer.

Mr. BENTLEY. I want to be square with this committee. Had I taken advantage of taking the lands of the individuals, of this old man's land here, and those individual lands to have paid it all, I might have reimbursed myself to some extent, but I would not have done it.

Senator LANE. As a matter of fact, you did, did you not, from the Indian sitting there?

Mr. BENTLEY. Wah-nah-ke-tha?

Senator LANE. He had property worth about \$45,000, had he not?

Mr. BENTLEY. It was at one time, and had the patent issued it would have brought that; but at the time the patent issued it would not have brought it.

Representative BURKE. I want to call your attention to your testimony at the time you got this \$215,000 appropriation:

The CHAIRMAN. In what capacity do you represent these Indians now?

Mr. BENTLEY. I represent them as trustee and attorney.

The CHAIRMAN. What have you to show for that?

Mr. BENTLEY. Well, I have a written authority which I will be glad to file with the committee.

The CHAIRMAN. Who is it signed by?

Mr. BENTLEY. It is signed by the chief and the council of the Mexican Kickapoo Tribe of Indians in regular council. It is printed in the record of the subcommittee of the Senate investigating the affairs of the Kickapoo Indians in volume 1, pages 34 and 35.

The CHAIRMAN. Are you representing them as friend or employee?

Mr. BENTLEY. I am representing them in this capacity: My agreement has been with the Kickapoo Indians that I would be fair with them, and that I should be paid what was reasonable and just, and that any personal money that I had expended for them should be returned to me. I want to say to you in all frankness that I have not been paid a dollar for all of the labor I have given to these Indians, covering a period of seven years. I have been here 13 winters in their interest, and so far have not been paid anything.

The CHAIRMAN. Have you a contract with them as to getting a certain percentage on what you collect for them?

Mr. BENTLEY. None whatever; my agreement is, as I have stated, that I shall be reasonably compensated, and I will accept at any time the judgment of any three Senators of the Indian Committee of the Senate, who have knowledge of the fact as to what my compensation shall be when the time comes for me to be paid. I wish to say, however, that I have ample property and estate of the Kickapoos in my possession to reimburse myself for the money I have personally expended for them and to pay myself. In fact, I rely upon the honor of the Indians. They will be fair and reasonable with me, because they appreciate my disposition toward them.

That was your statement then?

Mr. BENTLEY. Yes, sir; that is correct.

Representative BURKE. You gave us the impression, if I understood you, that you had been regularly advancing money to these Indians; that was practically gone unless this appropriation was made.

Mr. BENTLEY. I had.

Representative BURKE. Now, let us go further:

The CHAIRMAN. You expect compensation if this bill shall pass, do you not, for what you have done toward securing the passage of the bill?

Mr. BENTLEY. I expect compensation to a greater or less extent in any event. I have property in my possession which would secure me ordinarily, but if the Indians were impoverished or were in distress I could not take it in view of this. At their solicitation I have tried to help them, because I thought and in fact knew that their condition would be bettered were they to move, but in view of their condition over

there I would not feel warranted in paying myself anything at the present time, nor until their affairs are in such a condition that they are at least comfortable.

The CHAIRMAN. The reason I asked you the question is because it has been frequently asked upon the floor of the Senate whether any portion of the money is going to a claim agent.

Mr. BENTLEY. This claim carries no such feature with it—none whatever.

Mr. BENTLEY. I meant, of course, the item that I was talking on.

Representative BURKE. Now, you stated that you had paid Mr. Sam Powell \$12,250?

Mr. BENTLEY. Yes, sir.

Representative BURKE. Because you agreed to pay him one-half of what you got?

Mr. BENTLEY. That was in the original agreement when we were going to the Court of Claims, when we expected to get \$1,000,000 or \$1,800,000.

Representative BURKE. Do you think the committee understood that there was any such an agreement at that time, in view of that statement that is made there?

Mr. BENTLEY. I surely do; yes, sir. They did know what I had reference to, and if you read the item there the item carried no such thought with it. It did not provide for any attorney fee. I was willing to leave it to the Indians, or any three Senators—

Representative BURKE. You did not say to the Indians. Now, I want to call your attention to one further statement:

The CHAIRMAN. Have they authorized you to settle all their claims and demands against the Government for \$300,000?

Mr. BENTLEY. I have had authority from them time and time again, which appears in these records, binding themselves to ratify my acts, and this bill looking to a final settlement that you have before you will, if it becomes a law, be a receipt when the Indians accept the money from the United States. The bill was so drawn that the Government will be absolutely protected against any future claim of these Indians, and they in good faith understand clearly and fully what the proposition is.

Mr. BENTLEY. Of course, that was the tribe.

Representative BURKE. You said these Indians.

Mr. BENTLEY. I meant the Kickapoo tribe.

Representative BURKE. Now, in your final statement you said:

The payment of the small sum will enable the Government to satisfy a large and very embarrassing claim for an amount far less than the sum due. At the same time it will rid itself finally and for all time of all supervision over and responsibility for the affairs of these oft-reputed "unreasonably stubborn, nonprogressive" people. They are, at the present time, in a foreign country without a home and without means to procure a livelihood. They went there by the advice of the United States Senators. They will not return.

Mr. BENTLEY. That is true.

Representative BURKE. Now, do you not think you gave the committee to understand by that language and what I read previously that that was a final settlement?

Mr. BENTLEY. Not as to the band of the Kickapoos.

Representative BURKE. You say "these Indians."

Mr. BENTLEY. Of course, that had reference to the whole tribe of Indians.

Representative BURKE. Notwithstanding these statements and notwithstanding the provisions in that act, you did come to Congress with this claim of \$48,000—

Mr. BENTLEY. For them

Representative BURKE (continuing). And attempted to get Congress to appropriate the amount.

Mr. BENTLEY. I surely did; and if you will bear with me a moment you will agree with me, I think. They never got the \$215,000. Had the Government but stayed away and let them alone the Kickapoos would now be in Mexico. Had I received that amount of money I could have bought with it a home big enough for all of them, and it would have been a final riddance of the whole Kickapoo affair; but the Indian Bureau came down there and ran the Indians back to Oklahoma.

Representative BURKE. But you stated early in the evening that you did not expect the American portion of the tribe to get all the \$215,000.

Mr. BENTLEY. That is true. I expected to provide a home for all of them; but I expected it would be a joint reservation. These in Oklahoma were just as keen to go as the others. There is 4,000 of them there now want to go. If they had any way to go, they would go and join the others.

Representative BURKE. Among all the different times you have been here seeking legislation affecting the Mexican Kickapoo Indians, have you at any time appeared before a committee of the House of Representatives and presented any of these matters that you did present to the Senate committee prior to the time when this \$41,000 was incorporated in the Indian appropriation bill of 1912?

Mr. BENTLEY. If I did, I have no recollection.

Representative BURKE. That is all.

Representative CARTER. Why did you not do that, Mr. Bentley?

Mr. BENTLEY. The only reason was this: Any item, I believed, that the Senate might pass in relation to these Kickapoos would pass the House.

Representative CARTER. What makes you think that?

Mr. BENTLEY. It is the only way I have known of getting Indian legislation. The different items I have gotten have always been put on in the Senate, and went through. I have known no other way.

Representative CARTER. You never heard of any items passing the House and then passing the Senate afterwards?

Mr. BENTLEY. Oh, yes; but it has been the custom here, as you know, for many years that items of legislation have been put on in the Senate.

Representative CARTER. I will say frankly that it has been the custom where claims came out of these complicated matters that had not had proper consideration—that they were not taken up with the House committee. That is very true.

Mr. BENTLEY. Of course, I am free to say I know of no reason why I would not have presented a claim of any kind to the House committee.

Mr. Chairman, may I add just a word? Otherwise I may be placed in a false light here. It has been said here that at the time I made this argument I had title to this old Indian's land here. I did not have it. His deed had been forged at that time, and I had no claim on that land whatever. And the Kickapoo lands that were in my hands at that time that I converted into money would not have been any reimbursement at all. I am absolutely correct in my statement.

Senator LANE. I understood you to say at the hearing before the full committee that at one time you had——

Mr. BENTLEY. That was prior to this hearing. When this hearing was had, that old Indian's name had been forged to a deed and had gotten into court, and the land had depreciated.

Senator LANE. But it was prior to the legislation of 1908, was it not?

Mr. BENTLEY. Yes, sir.

Senator LANE. That is what I was asking you.

Mr. BENTLEY. There was nothing in my hands then that would have reimbursed me.

Whereupon, at 11.50 o'clock p. m., the joint commission adjourned to meet Wednesday, May 13, 1914, at 8 o'clock p. m.

WEDNESDAY, MAY 13, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in room 128, Senate Office Building, at 8 o'clock p. m.

Present: Senators Robinson (chairman), Townsend, and Lane; Representatives Stephens and Burke.

TESTIMONY OF MARTIN J. BENTLEY—Resumed.

Representative BURKE. Mr. Bentley, in connection with the obtaining of the legislation in 1905, at which time the restrictions were removed from seven Kickapoo Indian allottees, was there any money paid to any person or persons for services rendered with relation to obtaining that legislation?

Mr. BENTLEY. If there was, I do not recall it now. There may have been—no; there was not, so far as I know.

Mr. BURKE. That is all.

Mr. BENTLEY. I would like to say this to the commission: If the commission please, I was examined rather exhaustively on the Kickapoo reimbursement before the Committee on Indian Affairs, and before the record shall leave that feature of this case I would like to either go into the record or offer for the record some affidavits that were taken of persons who have knowledge of the expenditures. They are very prominent persons.

The CHAIRMAN. All right. Go ahead and do that now.

Mr. BENTLEY. Thank you.

The CHAIRMAN. Let us look at that before you read it. [After examining the affidavit.] This is an affidavit of John W. Gostin?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Go ahead and read it.

(The clerk to the commission thereupon read the affidavit, as follows:)

STATE OF ARIZONA, *County of Cochise, ss:*

John W. Gostin, being duly sworn, says that he first went into the employ of the Kickapoo community in Mexico in the month of June, 1906; that at that time the Indians were living near the town of Muzquiz, in the State of Coahuila; that he was

employed at that time by M. J. Bentley, who was acting as the agent or business manager of these people.

Affiant further states that at the time of his employment he was residing near Fort Smith, in the State of Arkansas; that Mr. Bentley requested him to go immediately to Muzquiz and that he did so. That on his arrival there he found the Indians in a badly alarmed condition on account of the action of the agents of the United States Government, who were then present and apparently aiding the Grimes-Chapman people in their attempt to secure titles to the lands of the Indians of Oklahoma; that at the time the Indians had then planted upon the San Francisco ranch, owned by them, something like five or six hundred acres of crops, the most of it being corn; that the crop was then in good condition; that Mr. Outcalt, the United States attorney, was constantly informing the Indians that they had no titles to these lands and that the Mexican Government would put them out and that they all would be arrested. As a partial verification, quite a number of them were repeatedly arrested at his request, so that the Indians from that time were in such a state of alarm that they failed to properly cultivate their crop and practically abandoned their land in that State, so that the crop of that year was practically a total failure.

Affiant further states that during the time when the above-mentioned Government officials and others were in the neighborhood of Muzquiz, that they caused the arrest, not only of many of the Indians, but also caused the arrest of Mr. Bentley, and that during this entire time, on account of the Indians being in such an alarmed condition, they did not work, but remained almost constantly in the city of Muzquiz or in that immediate vicinity and were of necessity supported entirely out of their community funds. That under ordinary circumstances they have always during affiant's acquaintance been able to support themselves when not interfered with.

Affiant further states that he has no figures showing the amount of money expended by Mr. Bentley out of the community fund of these people for the purpose of protecting them against unlawful acts, but that he knows some of the items expended and he himself secured quite a proportion of the provisions used in their support, and after having examined the account rendered by Mr. Bentley of "Expenses on account of Outcalt and Grimes-Chapman raid," he is thoroughly satisfied that the account is altogether too small, particularly that item entitled "Subsistence of Indians and coach hire during raid, \$1,500."

Affiant states in relation to said item that he personally purchased and handled more than that amount of provisions and clothing alone during said raid.

He further states that he made repeated trips from the town of Muzquiz to Eagle Pass, Tex., the number of which he can not state, but thinks that he made at least 12 round trips at an expense of not less than \$10 for each trip.

Affiant further states that one Edward P. Erney was employed by Mr. Bentley at that time as clerk and that he, in the protection of said Indians, made at least 10 round trips during said raid from Muzquiz to the border at an expense of not less than \$10 per trip; that a portion of these trips was made during the time when Mr. Bentley was in confinement and that a portion of them was made after Mr. Bentley had escaped, but was unable to return to the protection of the Indians personally, and that all matters of detail were intrusted to this affiant and to the said Erney. Affiant therefore says that item in said account entitled "Their subsistence, car fare, telegrams, and other incidental expenses, \$300," is altogether too small for railway expenses alone must have been near this amount, and that in addition thereto there was coach hire of not less than \$100, hotel bills for 60 days, and numerous other expenses which were constantly occurring and must of necessity be met in order to secure any protection whatever from the Mexican officials.

Affiant further states that the two items in said account referred to, he is thoroughly convinced, ought to be more than \$3,000 instead of \$1,800.

Affiant further says that to his personal knowledge that during one week when Mr. Bentley was confined in jail two sums of money aggregating, he thinks, \$1,000 gold, were sent to Mr. Bentley from the United States and that he knows that said sums had all been expended prior to the time of Mr. Bentley reaching the border at Eagle Pass and that thereafter he paid numerous bills at various stores, the aggregate sum of which it is impossible for him to state, but that he knows it is far in excess of the account here rendered.

Affiant further states that he was in charge of the removal of this community from the State of Coahuila to the State of Sonora during the summer of 1907, and that the item in said account under the heading of "Expense for removal of entire tribe from Muzquiz, Mexico, to Sonora, Mexico," etc., item entitled, "Permission to pass through Mexican properties, \$275," is entirely too small, for this item should include amount paid for use of water and camping privileges, as well as the amount passing through various properties, and if these amounts were added to, should be not less than \$500.

Affiant further states that the only knowledge he has of the expenses incurred in the trial of civil action in Oklahoma is from the number of witnesses taken from Mexico to Oklahoma, and that he knows that there was a large number of witnesses so taken and that their expenses were paid out of the community funds.

Affiant further states that a large expense was incurred in the taking of depositions in cases pending in the Federal courts of Oklahoma; that these depositions were taken on the part of the Indians by W. S. Field and were taken on two or three different occasions at Monclova, Mexico, and at Eagle Pass, Tex., that in the taking of these depositions there was no representative of the Government of the United States present.

Affiant further states that he had charge of said community in the year 1908, at the time of the passage of the act provided for the payment of the Kickapoo Indians of \$215,000; that at this time and prior to the passage of the act Marc Goode, claiming to be a representative of the Interior Department, was in the United States and Mexico in the neighborhood of said community for a long time and that his business seemed to be to, if possible, induce members of said community to return to Oklahoma; that he began his operations some 30 days prior to the date of the passage of the act; of the holding of the council provided for in said act; that he, during that time, frequently visited the camp of said community; that he took with him one time a policeman in uniform from the city of Douglas, and although the Indians had all prior to that visit refused to even talk to him, yet at that time by some means he took from the camp four boys and one young woman. These people he marched over 35 or 40 miles to the international border in the nighttime and put them aboard an eastbound train at a little flag station 20 miles east of the city of Douglas, and returned them to Shawnee, Okla.; that thereafter said Goode openly boasted that his only purpose had been to break the majority of the Kickapoo Tribe as theretofore held by the community of Mexico.

Affiant further says that in the attempt to protect this community against these unlawful proceedings there were large sums expended, the total of which he is entirely unable to give, but that he is thoroughly convinced that the statement of said account, being the last one in the Bentley account, is entirely too small; that the first item, entitled, "Extra trip, etc.," does not cover the railway expenses of that matter at all, for Mr. Field was compelled by the developments to come from Washington to the city of Douglas and return and to remain in the city and its neighborhood for something like 30 days and during said activities of Mr. Goode, there were repeated trips made by affiant and Mr. Field from the city of Douglas to the camp of said community, a distance of more than 50 miles, and that the item of said account of "Livery, \$25," is entirely insufficient and that said item ought to be at least \$100, and that in said account there is no item for hotel bills and support of this affiant and Mr. Field and Mr. Bentley and his interpreter and their incidental expenses during the time when they were in Douglas, as above stated, and that there should be added therein to said account an item for such bills and that the same could not be less than \$400.

JOHN W. GOSTIN.

Subscribed and sworn to before me this 20th day of December, A. D. 1912.

WRIGHT W. LAWHON,
Notary Public.

My commission expires February 16, 1916.

Senator LANE. Mr. Bentley, do you claim that you have expended more money for the Indians than is accounted for?

Mr. BENTLEY. I claim I have spent more than this schedule of the different items presented here or to the Indian Committee—spent more money than is accounted for there; yes, sir.

Senator LANE. That is what I understand.

Mr. BENTLEY. And in support of that I have an affidavit from the vice consul of the United States down there, who was there all the time, and who came to Muzquiz during both raids to protect me and the Indians.

Senator LANE. Mr. Bentley, don't you know exactly how much was spent and did you not keep your books in such shape and your accounts, so you would expend neither more nor less than you ought to expend?

Mr. BENTLEY. It was awfully difficult in the confusion to keep the accounts. In making up these accounts I have had to take them from every memorandum, and I have assembled them as best I could, being careful never to get in any more than I did expend; but naturally there were expenditures made of which I did not keep any account—numerous telegrams that I sent and, oh, various things.

Another affidavit that I especially would like to have appear in the record is that of J. N. Shafter. He was the customs agent of the National Railways of Mexico, stationed at the port of entry where I went and come in doing business for the Indians. He was a scholar in both Spanish and English and something of a lawyer. He is a brother of Gen. Shafter. He had been stationed there for many years, and I frequently in various troubles appealed to him to interpret and intercede, and probably no man is so familiar as he was with these affairs. He was an officer of the bank through which I transacted business, and this is a voluntary affidavit by him, and it is signed "J. N. Shafter" and sworn to.

Representative STEPHENS. What is the date of that?

Mr. BENTLEY. The 29th of March, 1913.

The CHAIRMAN. It may be read if it is not long.

(Thereupon the clerk to the commission read the affidavit, as follows:)

STATE OF TEXAS,

County of Maverick, ss:

J. N. Shafter, being duly sworn, says that he is customs agent of the National Railways of Mexico, and has been acting in such capacity since the year 1883 to the present date, and that from the years 1902 to 1908 he was in the capacity above set forth, located at the town of Ciudad Porfirio Diaz, in the State of Coahuila, Republic of Mexico, and that during said years he frequently saw M. J. Bentley, who was then acting in the capacity of agent or trustee for a community of Kickapoo Indians, which removed about the year 1903 from Oklahoma to a point in the State of Coahuila, near the city of Muzquiz; that in such removal these people and the property which they brought with them passed through the Ciudad Porfirio Diaz port of entry; that because of his relations with the National Railways of Mexico affiant was thrown into contact with the said Indians and their agent, Mr. Bentley, very frequently, and that during these times Mr. Bentley talked frequently with him and advised with him in regard to the financial and business management of the said community; that affiant spoke the Spanish language and during said period had a large personal acquaintance in the part of the country where this community was located, and for this reason was frequently called upon by the said M. J. Bentley to transact for him and with him business connected with the affairs of said Kickapoo community, and that as a result of his observation of his relations existing between the said M. J. Bentley and these Indians and the manner in which the said Bentley handled their affairs, he had at all times the utmost confidence in the said Bentley and in his good intention toward the said Kickapoo community, and that one of the principal chiefs said to him one day: "Bentley stick to us; we stick to Bentley." That he was during the times above set forth a stockholder in the Border National Bank, of Eagle Pass, Tex., where the said Bentley carried his deposits, and that the said bank had the utmost confidence in the said Bentley; and because of his relations to the said bank, this affiant made himself more familiar with the details of the affairs of the Kickapoo community as conducted by the said Bentley than he otherwise probably would have done, and that he always understood that the transactions had by the said Bentley with the said bank were the transactions of the Kickapoo community and not the individual business of Mr. Bentley for the reason that the said M. J. Bentley had no business connections or associations in the neighborhood of Eagle Pass or Ciudad Porfirio Diaz other than his connections with the said Kickapoo community for which he acted as agent or trustee.

Affiant further states that on two or three different occasions Federal officers from the United States visited that portion of Mexico in which the said community was located, and pretended to investigate the affairs of these Indians, and in the process of such pretended investigation induced the Mexican authorities to imprison the said M. J.

Bentley and a number of the Indians under his charge, and that at the same time it was understood fraudulent deeds were obtained by these persons, and by other persons cooperating with them, to the lands of these Indians located in the United States; that on one of these occasions affiant personally assisted the said Bentley to escape from the Republic of Mexico in order to avoid rearrest after he had once been discharged, and that through this interference and the connivance of these Federal officers of the United States with dishonest Mexican officials and land sharks from the United States a condition developed wherein this Kickapoo community found it impossible to longer maintain its existence in that locality, and it was compelled to remove from the State of Coahuila, and in the process of such removal a portion of the property of this community was shipped in bond through this port of entry to Douglas, Ariz., enabling this affiant to learn of the facts connected with such removal.

Affiant further states that he is informed, and from authoritative sources, that this community was the owner of a valuable tract of irrigated land upon which they resided, near the village of Muzquiz, and that during the trouble above set forth their crops were almost, if not quite, a total failure on account of the arrests and interference above mentioned, and that the said community was under an extremely heavy expense because these Indians and the said Bentley were continually harassed and persecuted, it was claimed, at the instance of the Indian Department of the United States, and that these actions were taken on the part of Federal officers apparently for the purpose of preventing the said community from successfully establishing itself in the Republic of Mexico. That from what source Mr. Bentley received his funds for the continuation of this work and the protection of himself and these Indians affiant does not know, but he does know from personal observation that he was under a constant heavy cash expenditure covering the period referred to.

Affiant further states that during this entire time he frequently saw the said Bentley in company with numerous Indians traveling back and forth from the home of the said community to the Territory of Oklahoma for the avowed purpose of attending various trials growing out of the affairs herein referred to, and that on at least two occasions large numbers of said Indians together with Indians from Oklahoma and from other places, and together with white witnesses, were present before the grand jury in Eagle Pass in connection with the presentation to said jury of some of the frauds practiced upon some of these Kickapoo Indians, and that the expense attending all these transactions must have been many thousands of dollars.

J. N. SHAFTER.

Subscribed and sworn to before me this 29th day of March, 1913.

A. P. SIMPSON, *Notary Public*.

The CHAIRMAN. What was the object of procuring that affidavit?

Mr. BENTLEY. Why, to show that I had no other business in that country, from some one who knew and who was disinterested, what my actions were.

The CHAIRMAN. What was under investigation at that time that prompted you to obtain the affidavit in March, 1913?

Mr. BENTLEY. I think I was prompted to get the affidavit from a letter that came into my hands, that Mr. Shafter had written somebody, along this line, and then it was that he was asked for a statement—a voluntary statement.

The CHAIRMAN. Was the expenditure of this \$215,000 fund under investigation then by anybody?

Mr. BENTLEY. No, sir.

The CHAIRMAN. What I want to know is, how you came to procure this affidavit when there was at that time apparently no question about how you had handled the fund?

Mr. BENTLEY. This pertains to reimbursement, not to the \$215,000, and these affidavits were taken from persons with the idea of showing the necessity of those expenditures, and that it was because of the interference of the officers of the United States that I was compelled to make these expenditures.

Representative BURKE. Wait a minute. Was not some of the money that you expended, for which you were asking reimbursement in 1912, a part of the \$86,000, which was a part of the \$215,000?

Mr. BENTLEY. Well, that may be; that probably is true, that some part of the \$86,000 may have been used in some of this expense; that is probably true, some small part of it.

Now, I hope I will not exhaust the patience of the commission, but I have one more affidavit that I feel is very important, by a well-known officer of the Government, who was thoroughly familiar with the conditions.

The CHAIRMAN. What is his name?

Mr. BENTLEY. J. A. Bonnet, vice consul.

The CHAIRMAN. What is it about?

Mr. BENTLEY. It relates to the same subject; and probably no one had a clearer personal knowledge of all I did in that country. He was friendly in various places when our trouble was, and he came there as a United States officer.

(Thereupon the clerk to the commission read the affidavit, as follows:)

EAGLE PASS, TEX., *January 20, 1913.*

I, J. A. Bonnet, of Eagle Pass, Tex., being duly sworn, depose and say: I am well acquainted with Martin J. Bentley; learned to know him in January, 1905; swore a number of witnesses in a case of *M. J. Bentley v. Thackery et al.* on January 12 and 13, at Muzquiz, Mexico.

I have had much to do with the Kickapoo Indians from 1905 to 1908 at the request of Bentley, as I was at that time vice consul under Consul L. A. Martin at Ciudad Porfirio Diaz, Mexico, and Bentley as also many of the Indians were being harassed and put in jail. I was called on and went to Muzquiz at Bentley's expense some six or seven times to intercede for Bentley and the Indians, the authorities having put Bentley in jail for trying to prevent the Indians from being robbed of their lands in Oklahoma.

Some time during the year of 1905 and 1906 a number of sharpers from Oklahoma went to Muzquiz for the purpose of buying the lands of these Indians for about one-fifth of the value, to which Bentley objected; these sharpers allied themselves with Mr. Conine, of Muzquiz, who spoke good Spanish, and in due course of time the authorities of Muzquiz were enlisted in behalf of the sharpers of Oklahoma. About that time there arrived in Muzquiz a gentleman, who represented himself as being a deputy United States district attorney, and showed his credentials therefor. This United States deputy attorney aligned himself with these sharpers, and under the guise of an officer with power opposed Bentley and favored the sharpers. Thus it was an easy matter to frighten the Kickapoos into anything the sharpers wished. This attorney pretended to investigate the status of the Indians, but in fact was assisting the sharpers to defraud the Indians out of their lands.

During this time Alberto Guajardo was presidente and jefe politico (which means in plain English a man clothed with absolute power), was appealed to by the sharpers to assist them in procuring titles to the Indians' lands. He lent his official power and also the deputy United States attorney, and the three powers combined did just as they pleased. Mr. Guajardo told me that he would jail anybody that the said attorney wished to have incarcerated. I had previously received from the State Department a telegram which read: "Neither you or Vice Consul John A. Bonnet should take acknowledgments for Martin J. Bentley for Kickapoo Indians." This telegram was opened by me as the consul; L. A. Martin was absent at the time and I was in charge of the office (consulate). The day following this telegram two of the gang called at the consulate and wanted me to take acknowledgments to Kickapoo lands. I refused to do so; they insisted, saying that the telegram I had received did not apply to them, and was meant only for Bentley. I refused to comply with their request; they finally went off threatening to report me to the Department of State for refusing. This would make it appear that even the State Department had been imposed on, as it seemed that Bentley was the only one who was barred by the telegram, while Bentley was risking his life and spending his money to keep the Indians from being defrauded out of their lands by these sharpers.

Bentley and the Indians were repeatedly put in jail for nothing except that Bentley was trying to keep the Indians from selling their lands for little or nothing. I was called on repeatedly to come to Muzquiz and get them out of jail, Bentley paying the expenses—he to the best of my knowledge paid me about \$400 for making the six or seven trips, as Consul Martin would not approve of my sending in a bill for these expenses. Bentley was all this time making trips and spending money to keep the Indians from being defrauded out of their lands, and was furnishing the Indians with money back and forth to the American consulate for their protection, and I imagine it must have cost him fully \$25,000 during these two or three years of embroglio.

Once I was ordered to go to Muzquiz, as there were some 90 Kickapoo Indians that wished to leave Muzquiz and return to the United States. I went and on my arrival called on the authorities and told them that I had come to escort the Kickapoos out of Mexico, as they had been told that they could not leave; that if they had any charges against any to file them. The authorities said that the Indians were at perfect liberty to go when they pleased; so I informed their chiefs that all that were ready to leave to be at the depot next day. Next day, just before train time, some 85 had gathered at the depot ready to embark for the United States; while waiting for the train to start I overheard the chief of police instruct his men to permit no Indian to embark. I asked him by whose authority he was going to keep them from going; he replied he had orders from higher authorities. I then asked the conductor to hold the train a short while until I could find the presidente, while I went to look for the authorities, but none could be found, as they had hidden. I took the train for Las Esperanzas, for I was afraid to remain there, as my life had been threatened. Next day I returned and reported to the authorities, who told me I could take the Indians. I then learned that the evening I left the authorities had driven all the Indians to the presidente's office and there made them sign away their holdings in Oklahoma lands. One woman who had been dead six years even was one of the signers. Bentley had to leave Mexico or he would have been put in jail again. The authorities hunted him all over the country for nothing else except that he tried to keep the Indians from being robbed.

Some time after this a lot of the same Kickapoos wanted to leave Muzquiz overland by way of Chihuahua, when some petty officer told them they could not leave unless they paid him \$1,200. I again went to Muzquiz and this time I bluffed the authorities, for I saw that the whole gang were trying to get the last cent out of them.

I finally, on the third day after my arrival, saw them leave in a body for Sonora, overland by the way of Chihuahua. Bentley had bought a tract of land for these Indians near Muzquiz, for which I was told to communicate with Bentley and offer him \$10,000 for it. I do not know what ever became of the land.

J. A. BONNET.

Sworn to and subscribed before me this 20th day of January, 1913, at Eagle Pass, Tex.

H. A. BONNET,

Notary Public, Maverick County, Tex.

My commission expires June 30, 1913.

Mr. BENTLEY. That affidavit was voluntarily made and in the man's own language, and told in his own way.

The CHAIRMAN. When was it written?

Mr. BENTLEY. It was written by him, I think, in his own office, his own statement.

The CHAIRMAN. How did he come to prepare and furnish you with this affidavit?

Mr. BENTLEY. He was requested to give his version of it.

The CHAIRMAN. By whom?

Mr. BENTLEY. By me, I think; I wrote him a letter?

The CHAIRMAN. You requested him by letter?

Mr. BENTLEY. I wrote him a letter and asked him would he not kindly make an affidavit covering the affair, in his own way, and I think that [indicating] or this one is the one that followed—there are two of them. He may have made one—

The CHAIRMAN. It is dated January 20, 1913. You wrote him a letter telling him that you wanted an affidavit from him?

Mr. BENTLEY. I wrote him and asked him to make a statement and attest it.

The CHAIRMAN. Have you a copy of the letter that you wrote him?

Mr. BENTLEY. I think I have; I won't be certain, but I think I have. I think it is among my papers.

The CHAIRMAN. Have you it with you?

Mr. BENTLEY. No, sir.

The CHAIRMAN. Did you get a letter from him accompanying this affidavit, when he sent it to you?

Mr. BENTLEY. I think that the statement was prepared, and I received a letter from Bonnett saying that he had prepared the affidavit and handed it to Mr. Field, is my recollection. I think Mr. Field—

The CHAIRMAN (interposing). Do you know whether or not Mr. Field prepared the affidavit?

Mr. BENTLEY. I am very certain he did not.

The CHAIRMAN. Why?

Mr. BENTLEY. Because I asked Bonnett to prepare it himself in his own language and in his own way. I do not think Mr. Field prepared it.

The CHAIRMAN. How did he happen to hand it to Mr. Field? What did Mr. Field have to do with it?

Mr. BENTLEY. Mr. Field was down at Eagle Pass, is my recollection of how he came to hand it to him.

The CHAIRMAN. Do you know of your own knowledge who prepared this affidavit?

Mr. BENTLEY. Of course, I did not see it prepared, Senator, but I believe it was prepared by Bonnett himself, because it sounds like his way of telling things.

The CHAIRMAN. Who prepared the Shafter affidavits?

Mr. BENTLEY. I think himself.

The CHAIRMAN. Did you help prepare it?

Mr. BENTLEY. No, sir; I had nothing to do with it.

The CHAIRMAN. How did he come to send you an affidavit? Did you write to him for it?

Mr. BENTLEY. I think that grew out of a letter that somebody handed me that he had written. I think he wrote to Senator Curtis.

The CHAIRMAN. What did he have to do with it?

Mr. BENTLEY. Senator Curtis?

The CHAIRMAN. Yes.

Mr. BENTLEY. Shafter had known Senator Curtis when he was a boy, I think, and some inquiry from somebody in Kansas had been made of Shafter, and he evidently took the matter up and wrote a pretty complete history of the Kickapoo matter, when they were taken out of Muzquiz, and a lot of data in relation to it, and later he was asked to prepare an affidavit. But, now, whether he prepared that, or somebody else, I do not know.

The CHAIRMAN. Was Senator Curtis interested in getting this appropriation made?

Mr. BENTLEY. Oh, no; he had no interest in it, but he was one of the investigating committee who were to investigate it.

The CHAIRMAN. That was six years before, and he was out of the Senate then, was he not?

Mr. BENTLEY. Yes.

The CHAIRMAN. How did he come to be getting up proof to substantiate this claim for reimbursement appropriation?

Mr. BENTLEY. He did not. A letter came to my notice.

The CHAIRMAN. Who sent the letter to you?

Mr. BENTLEY. I think I picked up the letter, if my recollection is correct, in Mr. Field's office. I think I may have a copy of it here, the letter that I have reference to.

The CHAIRMAN. Who was the letter addressed to?

Mr. BENTLEY. The letter had been addressed by Mr. Shafter to Senator Curtis.

The CHAIRMAN. How did it get into Mr. Field's office?

Mr. BENTLEY. That I do not know. That is where I saw it first. I do not think I have the letter here that I had in mind. I thought it was among these papers [indicating].

The CHAIRMAN. Do you know whether or not these two affidavits you have just introduced into the record were prepared by Mr. Field and in his office?

Mr. BENTLEY. No, sir. I have not any knowledge as to where they were actually prepared, other than as I have stated.

The CHAIRMAN. Did you send the following telegram? [Reading:]

ST. LOUIS, MO., March 4, 1905.

ROMAN GALAN, *Muzquiz*:

Bring Okemah and wife, Notan and wife, Jim Deer and wife, Pah-ko-tah and his sister Tah-pah-the-a; Ne-con-o-pit and wife to Diaz next Tuesday. Don't cross river until you see me or let them sign anything. Money for them.

M. J. BENTLEY.

Mr. BENTLEY. Yes, sir; I sent that.

The CHAIRMAN. What was the object of that telegram?

Mr. BENTLEY. The object was that I had been advised by telegraph at St. Louis, that the restrictions had been removed, and the object was to get them out there and get their deeds and get them of record, so that they might not be held up by somebody.

The CHAIRMAN. How much money did you pay them?

Mr. BENTLEY. I paid the woman referred to as Tah-pah-the-a \$300 Mexican money.

The CHAIRMAN. What was her land worth?

Mr. BENTLEY. I think Mr. Thackery has since sold it and can tell you.

Senator TOWNSEND. Sold for how much did you say?

Mr. BENTLEY. It was worth then about \$3,000.

The CHAIRMAN. What did you pay Notan?

Mr. BENTLEY. I think at the time—March, that was—I paid Notan \$100.

The CHAIRMAN. What was his land worth?

Mr. BENTLEY. My recollection is that it was sold for \$3,000, that piece.

The CHAIRMAN. And Jim Deer, what did you pay him?

Mr. BENTLEY. Jim was paid, if anything, very little. He had plenty of money, and my recollection is he did not want any money at that time, but I may have paid him \$100. I may have done that; I won't be certain.

The CHAIRMAN. What was his land worth?

Mr. BENTLEY. Well, at that time, I should say about \$6,000. I ultimately paid him \$6,500 for it, I think.

The CHAIRMAN. For whom did you take these titles?

Mr. BENTLEY. I think four of them was taken to Mr. Ives, two to Mrs. Bentley, and one to J. H. Everest.

The CHAIRMAN. Who furnished the money to pay these sums that were paid?

Mr. BENTLEY. My recollection is, it was my own money; I am very certain it was.

The CHAIRMAN. Were you reimbursed for this fund?

Mr. BENTLEY. Yes, sir; later it was—in a way it was reimbursed to me. It was charged to the Indians.

The CHAIRMAN. It was charged to the community in that statement you made, was it?

Mr. BENTLEY. I do not think so. I do not think there is anything charged there.

The CHAIRMAN. Why was it not?

Mr. BENTLEY. Because it was a different transaction. Out of those lands a temporary home was bought for all the Indians and they moved onto it.

The CHAIRMAN. Where?

Mr. BENTLEY. Near Muzquiz, Mexico, a tract of land known as the "San Francisco Ranch," and only three pieces of the lands were sold in any reasonable time. The allotment of Pah-ko-tah went back to him; the Ne-con-o-pit and Tah-pah-the-a was held by us and finally deeded back to the Government or to Mr. Thackery; I have forgotten just how that was arranged. The allotment of Noten was sold, I think, for about \$3,000.

The CHAIRMAN. Did you send this telegram (reading):

ST. LOUIS, MO., *March 4, 1905.*

ROMAN GALAN, *Muzquiz:*

Feed Kickapoos one hundred dollars flour and meat. Good news. See me soon.
M. J. BENTLEY.

Mr. BENTLEY. I expect I did.

The CHAIRMAN. What was "the good news?"

Mr. BENTLEY. Well, I have really forgotten, Senator. Roman Galan was a merchant at Muzquiz and we traded a great deal with him, and I expect the Indians were hungry, and I had sent the telegram wanting them fed.

The CHAIRMAN. Did you send this telegram? [Reading:]

SAN ANTONIO, TEX., *March 6, 1905.*

ROMAN GALAN, *Muzquiz:*

Bring also John Mine. Wire me, Eagle Pass, how many coming.

BENTLEY.

Mr. BENTLEY. I have no recollection of such a telegram.

The CHAIRMAN. Who was John Mine?

Mr. BENTLEY. That is an Indian name.

The CHAIRMAN. Was that the "Senator" you have been talking about so much here?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. What did you want with him?

Mr. BENTLEY. I have not any recollection now, unless it would be as interpreter. A great many of them insisted that John act as interpreter.

The CHAIRMAN. Did you receive this telegram? [Reading:]

WASHINGTON, D. C., *March 9, 1905.*

M. J. BENTLEY,

Care of Roman Galan, Muzquiz:

Remain there until I come. It is important. Leave to-day.

W. S. FIELD.

Mr. BENTLEY. At the moment I have no distinct recollection of having received it, but it is more than likely I did. I do not at this time recall the circumstances.

The CHAIRMAN. Do you know an Indian by the name of Roy Kickapoo?

Mr. BENTLEY. Yes; I think I did.

The CHAIRMAN. Did you get him out of jail along in 1908 some time?

Mr. BENTLEY. Well, if I did I have forgotten it, there were so many of those circumstances.

The CHAIRMAN. I hold in my hand a letter, purporting to be written by Roy Kickapoo to Henry Pierson, as follows [reading]:

DOUGLAS, ARIZ., *April 30, 1908.*

Mr. HARRY PIERSON, *Shawnee, Okla.*

DEAR SIR: I will be around in few days. You know that time I was in the jail. M. J. Bentley pays me out, and he send me way out here at Douglas, Ariz. I never think he would do that, but I come in before long. and I'll pay you then.

Yours,

ROY KICKAPOO.

Mr. BENTLEY. I recall now the circumstances.

The CHAIRMAN. Tell us about that.

Mr. BENTLEY. Well, this Indian was in jail at Shawnee and wanted out, and I paid his fine and got him some clothes and shipped him out to his father in Arizona.

Mr. THACKERY. His father?

Mr. BENTLEY. It may be—you are speaking of Roy Kickapoo? We may be getting Indians mixed here.

Mr. THACKERY. He had no father.

The CHAIRMAN. Why was he sent to Arizona?

Mr. BENTLEY. Because he wanted to go. His folks went out there. They belonged there.

The CHAIRMAN. That letter indicates he was sent there against his will. Do you know anything about that?

Mr. BENTLEY. Why, Senator, they were all of them not only keen to get out of jail, but keen to get to go to Sonora. I bought tickets and sent them. You could not any more get an Indian on the train at Shawnee by any force to send him anywhere than you could a white man.

The CHAIRMAN. Do you know Mary Pen-e-tho?

Mr. BENTLEY. Mary Pen-e-tho? Yes, sir; she is a Kansas Indian.

The CHAIRMAN. Did you borrow money from her?

Mr. BENTLEY. I had of her money at one time \$7,000.

The CHAIRMAN. Did you have \$8,000?

Mr. BENTLEY. No; I don't think so. She came to me, my recollection is, with about \$10,000 in money. I recall well the time. She brought it to the National Bank, and I had the cashier count it, and it was deposited there.

The CHAIRMAN. How much was it?

Mr. BENTLEY. She was in debt a good deal. I paid her debts, and I think the deposit was \$10,000, or about that; and I sent some of the money to people she owed in Kansas, at her request, bought a draft and sent \$300 and three years' interest to somebody who had befriended her.

The CHAIRMAN. In whose name did you deposit it?

Mr. BENTLEY. In my own.

The CHAIRMAN. Why?

Mr. BENTLEY. She came to me and said, "Take my money and be responsible."

The CHAIRMAN. What did you give her?

Mr. BENTLEY. I gave her, after paying her debts and giving her such money as she wanted to take with her, I gave her my note.

The CHAIRMAN. For how much?

Mr. BENTLEY. \$7,000. You will find it in the record of the "Affairs of the Mexican Kickapoo Indians," and a copy of the note.

The CHAIRMAN. Did you pay that note?

Mr. BENTLEY. I paid it in full; yes, sir—that is, I never paid that identical note, but I paid the account to her in full.

The CHAIRMAN. What do you mean by that?

Mr. BENTLEY. I mean this: Mary came to me one time, when I arrived at Shawnee, and said she had signed some paper, and got into court—something about the money that I owed her, and that her husband was drinking and wanted the money to gamble it off. She did not want the money. She did not want to make me any trouble, and wanted to leave the money with me. So the suit was dismissed. The note, I think, was never returned to me. But I then gave her—made her a payment, my recollection is, of \$500; and then gave her a series of notes due each six months to cover the period until the money would finally be paid out; and those notes I met and paid all of them, and usually a little in advance, which made a thousand dollars she received each year until they were paid out, and I have paid them all.

The CHAIRMAN. You did not take up the \$7,000 note?

Mr. BENTLEY. I never did.

The CHAIRMAN. Why?

Mr. BENTLEY. Well, a lawyer, Judge Wood, had brought this suit, and she had delivered the note to him, and he held it. He has got it yet, I expect. But, notwithstanding that, I felt—

The CHAIRMAN (interposing). What was the suit brought for?

Mr. BENTLEY. It was just brought because somebody had fooled the woman into going there and having the suit brought against me when there was no necessity for it.

The CHAIRMAN. What was the suit? Were you sued on that note?

Mr. BENTLEY. Sued me on that note.

The CHAIRMAN. How long after you gave the note?

Mr. BENTLEY. Oh, my recollection is the note was due some several months; possibly a year—I don't know.

The CHAIRMAN. And you settled the suit by executing new notes for \$500 each, did you?

Mr. BENTLEY. No. The first thing I did—she went and dismissed the suit, and then it was I said to her, "You are spending your money too fast. I am going to now pay you \$1,000 each year, \$500 each six months," and I gave her a series of notes to cover each six months

until the entire amount was satisfied, and those notes were made and paid, all of them.

The CHAIRMAN. Do you know We-ah-che-kah?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Did you get money from her?

Mr. BENTLEY. I had of her money \$4,000 or \$6,000, I have forgotten which.

The CHAIRMAN. Did you not have \$8,000 of her money?

Mr. BENTLEY. I do not think that much. I might have had for a few days, perhaps.

The CHAIRMAN. When did you get that, and how did you come to get it?

Mr. BENTLEY. She came and brought it voluntarily and turned it over to me.

The CHAIRMAN. What did you give her?

Mr. BENTLEY. I gave her notes, I think. My recollection is that those were in denominations of \$1,000 each, but she took up several thousand of it very rapidly. She was being urged by somebody to get her money, and her husband was inclined to spend it. My recollection is there were six \$1,000 notes, and those have all been paid but one; she still has one note of \$1,000 against me, with an indorsement of \$200 and something on it. A year ago—probably two years ago—I paid off next to the last note, the last time I ever saw her.

The CHAIRMAN. When did you make that note to her?

Mr. BENTLEY. My recollection is I made the notes when I received the funds.

The CHAIRMAN. I know, but when was it?

Mr. BENTLEY. I will have to refresh my memory. That must have been in 19—somewhere in 1903, I think, but I will not be certain.

The CHAIRMAN. When was the note due?

Mr. BENTLEY. Oh, the notes? I have forgotten the date. I think they run a year, but I won't be sure.

The CHAIRMAN. Were you ever sued on them or not?

Mr. BENTLEY. The balance of them, I don't think so; I have no recollection of any suit.

The CHAIRMAN. You still owe a part of that?

Mr. BENTLEY. I owe \$800 on the last note.

The CHAIRMAN. Do you know Emma Garland?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. How much money did you get from her?

Mr. BENTLEY. I would not want to state from memory, but my recollection is it was originally—she brought to my home, it seems to me that there was left with me \$4,500, somewhere in that neighborhood; it might have been \$5,000.

The CHAIRMAN. When was that?

Mr. BENTLEY. Well, all these sums were brought probably within a period of a year. It was along about the same time, my recollection is, when I received the money from Mary Penetho, We-ah-che-kah, and other money.

The CHAIRMAN. How did you use these moneys that you borrowed from these Indians, or received from them?

Mr. BENTLEY. I took these sums of money and gave them my note or some evidence of the indebtedness, and I took those funds in

general and used them for the benefit of all the Indians, notwithstanding the sums had to be ultimately returned. If I used any money at any time for myself it might have been that I bought a piece of land, in which some of their money may have been for a short period of time, but of all the sums I have ever received from any individual, notwithstanding I used the individual funds that I was personally responsible for for all of them, those funds have all been returned, so far as I know, or excepting the one payment of \$800, for which there is now an outstanding note. There are no notes or other evidence of indebtedness outstanding, to my knowledge, except the note referred to, on which I was sued, and which I think Judge Wood still had. If there is any other, I have no knowledge of it.

The CHAIRMAN. Did you get any money from Okemah and his wife?

Mr. BENTLEY. Well, I got money from them.

The CHAIRMAN. How much?

Mr. BENTLEY. Well, my recollection is that probably first and last, \$20,000.

The CHAIRMAN. Did you not get \$32,000?

Mr. BENTLEY. No, no. I sold, or their allotments through other parties were sold, so that I should have received \$32,000, but \$15,000 in cash was paid at the time of the sale. Later one of the notes that were given as security on the land, on their two allotments, which is 154 acres, \$5,000, I think, was paid to me. That money is the money that was used to buy the ranch in Muzquiz, known as the San Francisco Ranch, and which is the property on which the whole community came and lived.

The CHAIRMAN. I thought you bought that property out of the \$86,000?

Mr. BENTLEY. No, no; it is the property in Sonora. This had been bought before that; this was bought out of that first seven allotments, growing out of the sale of three of the first seven allotments in 1905.

The CHAIRMAN. Did you ever settle with Okemah and his wife for that?

Mr. BENTLEY. Yes, sir.

I would like to state to the commission while we are on the Okemah matter exactly what I did.

The CHAIRMAN. You know No-ten, do you?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. How much money did you get from him?

Mr. BENTLEY. I could not give the exact amount from memory. I think about \$3,000; that is, that belonged to him for which I was accountable to him.

The CHAIRMAN. What did you do with that?

Mr. BENTLEY. I supported No-ten a good many years. His testimony will be found in volume 3 of the record, and as to his own statement I would like to offer it at this stage of the proceedings.

The CHAIRMAN. I asked you, what did you do with his money? You can answer that question. Did you use it to pay yourself for something he owed you, or what disposition did you make of his money?

Mr. BENTLEY. I gave him money from time to time to live on.

The CHAIRMAN. Before you got this \$3,000 or after?

Mr. BENTLEY. Both before and after.

The CHAIRMAN. How much did he owe you when you got the \$3,000?

Mr. BENTLEY. It was very little, if anything, that he owed me.

The CHAIRMAN. Did you pay it out for him after that?

Mr. BENTLEY. I either paid it all out for him or protected him, but in any event I did that in his interest in the land that I bought with his money. I bought the San Francisco ranch with the funds of Oke-mah and his wife, and with the funds derived from the land of No-ten, and No-ten has an interest in that land with them.

The CHAIRMAN. What did you pay for the San Francisco ranch?

Mr. BENTLEY. I paid what in American money at the time of purchase would be about \$11,000—\$10,000 and something, or \$10,500 and something.

The CHAIRMAN. Where did these Indians get all this money they were letting you have?

Mr. BENTLEY. They got it from the sale of dead land.

The CHAIRMAN. What?

Mr. BENTLEY. They got it from the sale of dead lands, where their relations had died and they had inherited the lands.

The CHAIRMAN. Did you sell the lands for them?

Mr. BENTLEY. No, sir; I had nothing to do with that.

The CHAIRMAN. But they brought the money to you and asked you to take it and handle it for them?

Mr. BENTLEY. Yes, sir.

The CHAIRMAN. Do you know how much money, all told, you handled in that way?

Mr. BENTLEY. I have a memorandum that would show. I haven't it with me, but I can supply it—

The CHAIRMAN (interposing). About how much?

Mr. BENTLEY. That passed through my hands? I have got necessarily to make an explanatory answer to your question. For instance Pequa came and gave me \$2,000. He did not want to receive it at Shawnee, but he wanted to receive it at Eagle Pass. I simply deposited it in one bank, and when I arrived there I checked it out through the other. The money simply passed through my hands, and there was a good deal of money of that character; but the moneys that I received and kept for any considerable time I do not think exceeded \$20,000. That would be my judgment now—I mean outside, of course, of what is known as the "first seven" transaction.

The CHAIRMAN. Do you remember a Mr. Clark?

Mr. BENTLEY. Yes, sir; Joseph Clark; I remember him well.

The CHAIRMAN. Did you write him, in postscript to a letter under date of October 23, 1903 [reading]:

P. S.—Wire me in case the fair-ground money comes. I encouraged We-ah-che-kah to come south to hold a key to the situation. They can not pay it out until she comes. She and Pen-a-tho will loan me \$10,000 if it comes in time, and that will let us in on the deal we want. Don't be afraid to use the wire to keep me advised if the money comes.

M. J. B.

Mr. BENTLEY. Yes, sir.

The CHAIRMAN (continuing):

Please tell Sol to call for letter at post office and to say nothing about what it contains.

What was the deal that you and Mr. Clark wanted to put through?

Mr. BENTLEY. Why, we had located a tract of land over in the Creek Nation, I think, that we believed had oil under it, and it was a good purchase in agricultural value, and my recollection is that at that time I intended to use those Indian funds, such as they were willing to let me have for that purchase.

The CHAIRMAN. To buy land for you and Clark?

Mr. BENTLEY. Oh, no; it was a mere speculation.

The CHAIRMAN. What did you mean by "and that will let us in on the deal we want"?

Mr. BENTLEY. I had reference to the oil-land deal over in the Creek Nation, probably.

The CHAIRMAN. Let me understand whether or not that was a deal that you were personally interested in or was it a deal you were making for the Indians?

Mr. BENTLEY. It was this way, Senator: My agreement with these Indian women was that if they would leave their money with me to buy these lands, if possible, from the Chickasaws or Choctaws, over in the oil country, that when their "dollar" came back, if I made anything I would make a fair division with them; and had they left their money with me and not been importuned to harrass me eternally I could have made them some money.

The CHAIRMAN. I thought you said a while ago that they brought this money to you and asked you to use it.

Mr. BENTLEY. They did.

The CHAIRMAN. It appears from this statement that you were offering them inducements to let you have the money.

Mr. BENTLEY. Notwithstanding that, I received the offer of money from Mary Pen-e-tho, the \$10,000 which she brought to me voluntarily in a blanket, and the cashier—the son of the president of the bank—I called him back in the president's room and he counted the money; that was brought to me voluntarily.

The CHAIRMAN. Who was "Sol," whom you had told Clark to have call at the post office and say nothing about what the letter contained?

Mr. BENTLEY. That was Sol Williams, who was a stone mason and mechanic.

The CHAIRMAN. What were you writing him that you wanted to keep a secret?

Mr. BENTLEY. Something about a mineral——

The CHAIRMAN (interposing). Have you got a copy of that letter?

Mr. BENTLEY. No, sir; I have not.

The CHAIRMAN. What was your object in coupling it with the other transaction, in having him tell Sol to say nothing about what the letter contained?

Mr. BENTLEY. Well, my recollection now is that he had written Sol in regard to a mineral deposit, and there was trailing around with him a fellow named Bartow, a very mouthy little fellow, and I did not want Bartow to know anything about the mineral deposit that I wanted Solomon to go and investigate. Bartow was a crank on minerals; Sol. Williams was a prospector and stone mason; and I

know of no other thing that I have cautioned Clark to tell him to remain quiet about.

The CHAIRMAN. What did you do with that \$10,000 you got from this Indian Pen-e-tho?

Mr. BENTLEY. I did not retain the \$10,000, Senator.

The CHAIRMAN. You did not retain the \$10,000? How much did you get?

Mr. BENTLEY. My recollection is that there was left in my hands about \$7,000—there might have been \$8,000—but whatever there was I secured her with a note; paid her debts.

The CHAIRMAN. How much did you get? Did you pay out some of it?

Mr. BENTLEY. I paid out a good deal. I sent money away to Kansas, where she had debts. She had local debts, and she carried away a good deal of that money. I would not be able from memory to say exactly, but I know I gave her in the way of evidence of indebtedness a note for the amount that was due her.

The CHAIRMAN. How much did you get from her in all before you paid out anything or sent anything out?

Mr. BENTLEY. My recollection is she brought to me \$10,000.

The CHAIRMAN. That was the same \$10,000 that you spoke of in your postscript to Clark that you were going to use to get in on that deal, was it?

Mr. BENTLEY. I expect—no, what I had reference to there was hers and We-ah-che-kah's money. I apprehended they probably would leave with me—the two women—as much as \$10,000. I did not figure that they would—I want to make myself clear—I want to say in those days I was—I was trying to keep the Indians from wasting their money.

The CHAIRMAN. How did you know they were going to bring you that money? You were writing here in advance of the time they did bring it.

Mr. BENTLEY. I knew the deed was pending here in Washington and that the money would be paid shortly. I knew what the lands had sold for. They had sold \$39,000 worth of lands—a bunch of heirs, two or three women. I did not receive but a small part of it, a third of it.

The CHAIRMAN. As a matter of fact, Mr. Bentley, did you not intend and contemplate in advance of procuring these sums from the Indians you have named that you would obtain loans from them, and is it not a fact that you did receive loans from them rather than their voluntarily bringing this money to you?

Mr. BENTLEY. Not in that sense; no, sir.

The CHAIRMAN. Well, in any sense?

Mr. BENTLEY. They brought their money to me; but if any Kickapoo in those days had drawn a large sum of money I should have tried to get possession of it and conserve it for him and protected him. It should be borne in mind I was trustee, by their selection; I was their agent.

The CHAIRMAN. You were not trustee for these individual Indians as to individual sums that were coming to them, were you?

Mr. BENTLEY. I was in this position—

The CHAIRMAN (interposing). Except for such purposes as borrowing money?

Mr. BENTLEY. That is unfair to me, Senator. Behind all this there is something that if I was to tell it, it would make this clear to people.

The CHAIRMAN. Why did you not tell me?

Mr. BENTLEY. If you will permit me, I will. Then you will understand why these Indians came. I can tell you part of it.

After I went out of the service of the United States, these Kickapoo people, under a superstition they had, came and gave themselves to me. That is why I controlled them absolutely.

Here came a man and his wife, and women and children, and said, "Take us, and take care of us and take what we have got." And God knows I have been faithful to their trust. I have spent their money and my own protecting them. There are certain church secrets in regard to the Kickapoo Indians that I can not tell this commission.

The CHAIRMAN. Certain what?

Mr. BENTLEY. Church secrets—certain superstitions that have a whole lot to do with Indians trusting white men. There are certain secrets that should have been borne in mind, that before the Kickapoo Indians ever saw white men they knew Masonry. They have a secret organization clear back before they ever heard of the white man.

The CHAIRMAN. Did you belong to that organization?

Mr. BENTLEY. I would not want to say whether I did or do or do not. I do not want to testify as to that.

The CHAIRMAN. Why?

Mr. BENTLEY. Because there are certain secrets connected—

The CHAIRMAN. I have not asked you anything about the secrets.

Mr. BENTLEY. I say that is why I would not want to testify—

The CHAIRMAN (interposing). You mean to say whether or not you joined that organization?

Mr. BENTLEY. Well, it don't come about in that way. I don't belong to it in that way, but this I will say—

The CHAIRMAN. In what way do you belong to it?

Mr. BENTLEY. This I will say to you: I have no church and no lodge, and I could not have and never will have. I believe that the Kickapoo's religion is a better one than the white man's, and I know it—I believe I know it is; that anything that may exist among nigh of kin, which makes women virtuous and men truthful and honest, that thing or kind of thing we call "religion," that causes the parent to have that control over his offspring that he will be absolutely obedient forever without chastisement is to me a grand thing.

The CHAIRMAN. You have wandered from everything I have asked you. At the time you procured these loans from these Indians, did you belong to this secret order, of which you have spoken, with them? I am not asking you what the secrets of the order were?

Mr. BENTLEY. I belonged to this extent, and I believe now—they adopted me and I adopted them, and I want to say to you that had I ever at any time or would I now take a penny from those Indians I would be the most contemptible scoundrel on the face of this earth.

The CHAIRMAN. You are wandering again. I simply asked you the question, whether or not at the time you took the money or borrowed the money from these Indians you belonged to a secret order with them?

Mr. BENTLEY. I can only answer——

The CHAIRMAN. And if you did what was your object in joining that order?

Mr. BENTLEY. Because the Indians believed in me and wanted me to be their friend and to be a member of their organization. I did not seek it.

The CHAIRMAN. That may have been the Indians' object in inviting you to join the order. What was your object in joining it?

Mr. BENTLEY. Senator, my object was that that is ever apparent in the nature of men. All men accept leadership of somebody who trusts them, and I accepted it. I did not seek them; they sought me.

The CHAIRMAN. How long have you belonged to that secret order?

Mr. BENTLEY. Well, you do not state it properly so I can answer you. It is a delicate proposition.

The CHAIRMAN. There is nothing delicate about that. When did you adopt them and when did they adopt you, if you want to put it that way? I do not care how you put it.

Mr. BENTLEY. Soon after I left the service of the United States these Indians came and, in their way of putting it, they gave themselves to me and I gave myself to them, and that is as far as I shall testify here or anywhere else while I live, and that is sufficient.

The CHAIRMAN. I have not asked you to testify as to the secrets of the order. I asked you when that occurred.

Mr. BENTLEY. That was soon after I left the service of the United States.

The CHAIRMAN. About when was that?

Mr. BENTLEY. Probably in the year 1902.

The CHAIRMAN. Does W. S. Field belong to that same order?

Mr. BENTLEY. No, sir; I don't know anything about that.

The CHAIRMAN. How do you know he does not?

Mr. BENTLEY. If he does, I do not know it.

The CHAIRMAN. Do you know whether he was invited to join it by the Indians?

Mr. BENTLEY. I do not think he was. I think there are certain peculiarities about Field that he never would have been invited.

The CHAIRMAN. You do not think he was eligible?

Mr. BENTLEY. No, sir.

The CHAIRMAN. Are there any other white men that you know of who belong to that organization, in that way?

Mr. BENTLEY. No, sir; I do not think there is any white man on the face of the earth that will ever know it.

The CHAIRMAN. You think you are the only white man who ever belonged to that?

Mr. BENTLEY. If there is any other, I do not know of him. I have no knowledge of it.

The CHAIRMAN. Did that relationship, you think, prompt these Indians to bring their funds to you and ask you to take care of it for them?

Mr. BENTLEY. No; they are neither distrustful of me nor I of them. We are supposed to be in one with each other.

Representative BURKE. You mentioned the name of Roman Galan. Where did he live?

Mr. BENTLEY. Roman Galan is a Mexican living at Muzquiz, in Coahuila.

Representative BURKE. Did you at any time while in Washington representing these Indians have some of the stationery and letter-heads of this man, Roman Galan?

Mr. BENTLEY. Yes, sir; I did.

Representative BURKE. Were you in the habit of writing letters on that stationery and mailing them to Mexico and then having them signed by some Indian and mailed from there to the Indian Office, with reference to matters that concerned Indians?

Mr. BENTLEY. In a way.

Representative BURKE. In a way? Did you, or not?

Mr. BENTLEY. I do not know any other way to answer you. If I answer your question and say "Yes," I will be admitting something I did not do; if I say "No," I would not be warranted in saying that. I do not know how to answer, except to explain what I did. I am willing to tell you exactly what I did.

Representative BURKE. Tell us what you did.

Mr. BENTLEY. If a letter came here from some Indian who did not understand English, written in a way that looked like it would not be intelligible to some person not familiar with the subject, I have prepared a letter along the lines that an Indian would write a letter if he came in somewhere and dictated it, and sent it down there for signature and to be returned here.

Representative BURKE. Returned to whom?

Mr. BENTLEY. To the person to whom it was addressed.

Representative BURKE. And to whom were they addressed?

Mr. BENTLEY. Well, such letters as those to Chester Howe, of this city, who was the attorney, in a way, of the Kickapoos. He looked up various matters for them.

Representative BURKE. Were not some of those letters addressed to the Commissioner of Indian Affairs or the Secretary of the Interior?

Mr. BENTLEY. They may have been; I will not be certain. I do not recall positively as to that; they may have been.

Representative BURKE. Did you or did you not write such a letter, or cause such a letter to be written, here in Washington, in the office of Chester Howe, or elsewhere, upon this stationery, and date the letter back, and you yourself sign the name of an Indian to it, and had it mailed to the Indian?

Mr. BENTLEY. No, sir; I do not think I ever did anything of the kind.

Representative BURKE. Did you ever write letters for Indians here in Washington and mail them to Mexico, and those letters were then mailed from there?

Mr. BENTLEY. I rewrote them, putting them in such shape as had proper application to the thing the Indian wanted.

Representative BURKE. When that letter was remailed to the department, did it contain the original letter written by the Indian?

Mr. BENTLEY. Oh, certainly not.

Representative BURKE. Were these Indians who carried on correspondence with the Indian Office able to write themselves?

Mr. BENTLEY. No, down there in Muzquiz they have typewriters do it.

Representative BURKE. They would get somebody else to write the letter?

Mr. BENTLEY. It would be, of course, known to the Indian Office that the Indian did not prepare the letter himself in any event.

Representative BURKE. You thought you could improve on the letter, and therefore you rewrote it and sent it down to Mexico and had it mailed up here; is that the way you did?

Mr. BENTLEY. I did it because I could set out the object and make it more intelligible to the department.

Representative BURKE. If the Indian in Mexico wrote a letter to the Commissioner of Indian Affairs and mailed it to the commissioner, then how did you have information as to what was in that letter, so that you could improve on the form of the letter and rewrite it and have the Indian sign it and mail it up here?

Mr. BENTLEY. An Indian would write me a letter, or perhaps write Howe a letter, wanting something looked up or something done about his money, what ever it may have been. Then a letter, in proper form, addressed to the commissioner or the officer, whoever it properly might have been, was prepared and sent to him.

Representative BURKE. How did you get that stationery that you had?

Mr. BENTLEY. I either got it when I was in Muzquiz, or wrote down and had it sent up.

Representative BURKE. Did you not write?

Mr. BENTLEY. That I will not be certain of. I may have brought it with me. The Indians' testimony will be found where they state they signed the letter. I have in mind particularly where Noten said a letter was received by him and signed by him and his mother, and they got their money. His testimony was taken.

Representative BURKE. Who delivered to you the Shafter affidavit that you have had read into the record?

Mr. BENTLEY. It seems to me that Mr. Field handed me that affidavit.

Representative BURKE. And Mr. Field handed you the other affidavit of the vice consul, which was also read into the record?

Mr. BENTLEY. I feel quite certain he brought it.

Representative BURKE. At any rate he delivered them to you, no matter how he got them?

Mr. BENTLEY. I will not say he delivered them both to me. The Shafter affidavit may have come to me in care of Mr. Field's office. I will not be certain as to that, but I think Mr. Field handed them to me.

Representative BURKE. Do you not think he handed both of them to you, as a matter of fact?

Mr. BENTLEY. I can not remember. I would not say positively whether he did or not.

Representative BURKE. Earlier in the evening I asked you a question, whether there was any money expended in connection with the legislation that resulted in the restrictions being removed from the seven allotments, and you stated there was not. Now, you stated the other evening there was considerable money expended after the legislation in trying to get the Secretary of the Interior to issue those patents.

Mr. BENTLEY. Well, we spent \$1,500.

Representative BURKE. And that money was accounted for in this statement that you testified to, was it not?

Mr. BENTLEY. Do you mean the statement—

Representative BURKE (interposing). The statement that Senator Robinson interrogated you about the other evening contained various items for attorney's fees in connection with proceedings that were instituted to try and compel the issuance of those patents?

Mr. BENTLEY. Yes, sir; I think that \$1,500 in there was expended in an effort to get the Secretary to issue those patents.

Representative BURKE. Why was it that in your statement it did not appear that you had paid some of these Indians at the time you took those deeds the sums of money that you testify to-night you did pay—\$300 in one case?

Mr. BENTLEY. That had nothing to do with the issuance of the patents.

Representative BURKE. It had to do with the fund, did it not? So you will understand it, after the legislation you immediately had these Indians meet you somewhere?

Mr. BENTLEY. Sure.

Representative BURKE. And they executed deeds?

Mr. BENTLEY. Yes.

Representative BURKE. And you paid to those Indians various sums of money, as you have testified?

Mr. BENTLEY. Yes, sir.

Representative BURKE. A little later you paid out in expenses here in Washington and perhaps elsewhere for service of attorneys and others in trying to get the Secretary of the Interior to do what that act of Congress directed him to do and issue the patents?

Mr. BENTLEY. Yes; I did.

Representative BURKE. And you charged up that money in this statement that you testified; but why did you not put in the moneys you had paid those Indians?

Mr. BENTLEY. Why, because—we took the land in trust, to be sold for the Indians, and made them such advances as their immediate necessities required, and the Indians got that money and had the benefit of it. That would have no proper place in this.

Representative BURKE. The moneys you were paying those attorneys you were advancing?

Mr. BENTLEY. That is a different proposition.

Representative BURKE. It all had to do with the same proposition?

Mr. BENTLEY. It was different entirely. The Indian had deeded his land to me in trust, and I was to make payments to him, and continued to pay him until I paid several thousand dollars to them. That had nothing to do with the expense of getting the patents; that would not be a proper charge in that account in any way.

Representative BURKE. The money paid for getting the deeds would not be a proper account, although you assumed to account for the moneys that you had received?

Mr. BENTLEY. I do not understand you.

Representative BURKE. In your testimony the other night you went on in detail and testified how much money you received—\$32,000—

Mr. BENTLEY (interposing). Oh, no.

Representative BURKE. And \$3,000, I think, for another gentleman.

Mr. BENTLEY. You are mistaken. I never testified I got \$32,000.

Representative BURKE. You said to-night, \$20,000—

Mr. BENTLEY. I think about \$20,000 of it was paid. But the sum of money I paid those Indians when they made the deeds, and the sum of money I paid to get the department to follow the law and issue the patents are two separate and totally different propositions, entirely. One has nothing to do with the other, absolutely.

Representative STEPHENS. How long had these affidavits that you presented to-night been in your possession?

Mr. BENTLEY. They had been among my papers some little time. I got a letter from John A. Bonnet, in which he said he was preparing an affidavit and would forward it soon. I think I have that letter over at the office.

Representative STEPHENS. How did you get the Shafter affidavit?

Mr. BENTLEY. I think I got that at Mr. Field's office, or received it through his office up there.

Representative STEPHENS. The other affidavit—I believe you presented three here?

Mr. BENTLEY. The Gostin affidavit, I think, was among some papers that Mr. Field handed me; that is my recollection.

Representative STEPHENS. Are either one of those affidavits in the evidence taken before the Senate Committee?

Mr. BENTLEY. No, sir—no; those are all new.

Representative STEPHENS. This is the first time these have ever been presented?

Mr. BENTLEY. This is new testimony.

Representative STEPHENS. You know of the facts and matters stated in those affidavits?

Mr. BENTLEY. Yes, sir.

Representative STEPHENS. Are they true or false?

Mr. BENTLEY. They are true to the best of my knowledge and belief. All of them set out the transactions and conditions at the time that they refer to.

Representative STEPHENS. Are those transactions and conditions mentioned in the printed documents and evidence taken by this Senate investigating committee at Muzquiz and on the border of Texas?

Mr. BENTLEY. The report of the committee to Congress sustains all the things alleged in these affidavits; the report of the American consul himself sustains the statement that these Federal officers came to cooperate with somebody else that robbed the Indians.

Representative STEPHENS. Who are the men he mentions as having come down from Oklahoma for the purpose of getting these Indians' lands?

Mr. BENTLEY. There were three of them—the men who came to rob the Indians?

Representative STEPHENS. Yes.

Mr. BENTLEY. He had reference to Grimes-Chapman-Conine combination, I think. There were some five or six of them. They are the men that the investigating committee of the Senate found had been brutal and criminal in the treatment of the Kickapoos.

Representative STEPHENS. Is it a fact that they did, in order to get hold of these lands, have those Indians thrown in jail?

Mr. BENTLEY. They had them held in jail 14 days. They were arrested some distance from camp, dragged them up in the mud and held them in jail 14 days, and there were 14 of them.

Representative STEPHENS. Did they get deeds to the land?

Mr. BENTLEY. The day the headmen of the tribe were brought in irons from the Federal prison to the home of the judge in the suburbs, where these forgeries were committed, it appears the others were assembled and brought there, when these were brought down in irons, so that it would frighten them.

Representative STEPHENS. What about the Government official who went down there?

Mr. BENTLEY. He was responsible for them being in, and he was under the pay of the United States—George A. Outcalt, assistant United States attorney.

Representative STEPHENS. What report was made by this investigating committee with reference to his actions in the matter?

Mr. BENTLEY. The language, or nearly so, is this: That his appearance there—unfortunate appearance there—materially aided the robbers. That is the report of the committee.

Representative STEPHENS. What was said with reference to your connections in this matter?

Mr. BENTLEY. The report to Congress of that committee is that, while I had handled large sums of money, I was found to be honest, and I had ever been diligent in protecting the Kickapoo Indians.

Representative STEPHENS. Who were the men who made this report?

Mr. BENTLEY. Senator Teller is chairman, and Senator Curtis and Senator La Follette.

Representative STEPHENS. How long were they investigating this matter?

Mr. BENTLEY. It covered a period, I think, of nearly three months.

Representative STEPHENS. What years?

Mr. BENTLEY. That was in 1907 and 1908. They began, I think, in December, coming to the border of Mexico at Eagle Pass, Tex., and from there westward to Douglas, Ariz.; and then they came to Shawnee, Okla., and from there to Washington.

Representative STEPHENS. They took evidence in all these places?

Mr. BENTLEY. Yes, sir.

Representative STEPHENS. Were ever any of these parties who were interested in trying to get these lands away from the Indians indicted in Texas for any crime; if so, what and where?

Mr. BENTLEY. In connection with the forgery of the names of the Kickapoos to deeds and the alleged payments, they were indicted 140 times by count against Grimes, Conine, Chapman, and Brown and some Mexican who cooperated with them. These indictments were returned in Maverick County, Tex.

Representative STEPHENS. Were the cases ever brought to trial?

Mr. BENTLEY. No, sir; the governor of the State of Oklahoma would not surrender these parties to the governor of Texas, and Texas was unable to apprehend them.

Representative STEPHENS. Did the governor of Texas make demand on the governor of Oklahoma?

Mr. BENTLEY. Twice. The governor of Texas sent an agent to Oklahoma for them.

Representative STEPHENS. Have they ever been brought to trial for those crimes?

Mr. BENTLEY. No, sir; those indictments, through some agreement with the Federal Government, or at the request—I believe when the lands had been returned to the Indians the indictments were dismissed, is my information.

Representative STEPHENS. Then these deeds that were forced from the Indians in this manner were put on record in Oklahoma?

Mr. BENTLEY. Yes, sir.

Representative STEPHENS. And suit afterwards brought and those deeds set aside?

Mr. BENTLEY. Suits were brought in the Federal courts and district courts of Oklahoma—several cases were brought. The Federal courts held the deeds invalid, but what resulted in the return of the lands to the Indian and the accounting for the rents and profits while these parties had them were: These parties, after being indicted in Texas, and Texas being unable to get them, they were then indicted in Mexico, and, of course, when the agent of Mexico came to Oklahoma for them, that was a matter between the United States and Mexico, and then it was that they were imprisoned in the Federal prison at Guthrie. After remaining there some nine weeks and Mexico being in a state of war, they proposed, or a compromise was made, and they deeded back the land.

Representative STEPHENS. To whom?

Mr. BENTLEY. To the Indians, and accounted for the rents and profits during the time that they had had them.

Representative STEPHENS. What interest did you have in protecting the Indians and enabling them to get the land back?

Mr. BENTLEY. From the day I came out of prison and landed in Texas, up to the time that the lands were turned loose, I was in some way actively engaged in either the criminal prosecution of the parties or in the same way or manner endeavoring to get the lands returned. I was in Washington frequently, and three Assistant Attorney Generals of the United States were from first to last appointed, and I cooperated with them, and I had three times large numbers of Indians before the grand juries of Texas; covering a period from 1906 to 1909 I was continually on the move of some kind, and remained so until the time that Kearful came to Shawnee, Okla., and held a conference with me, and was there several days, and at his suggestion a little different policy was pursued, after he came in. Mr. Kearful said that certain officers of the Government were persistent in the theory eternally that this was a fight between Grimes and I over the lands, and that he believed I could be more useful, in view of the peculiar situation, to aid him rather in a quiet way than in the open—than in the way I had worked theretofore, and Kearful impressed me as being a very able man, and was inclined to follow my suggestions and follow out the policy I had formulated to ultimately force them to let go these lands, and I very readily acquiesced in that idea.

Representative STEPHENS. Was it a matter of compromise then, when they turned the lands back?

Mr. BENTLEY. Yes, sir; purely a matter of compromise.

Representative STEPHENS. Did the Indians then get the lands after this compromise was effected?

Mr. BENTLEY. Every allottee's land, my recollection is, was deeded back. There was complaint, of course, that these parties who had forged their names should not have been paid for the improvements they put upon the land after they had taken it in that way. In some cases it was shown they had actually paid money. It was agreed by the Government that the lands and profits of the lands should go to those men until that sum should be paid out. But when that settlement was made I was not present. Mr. Kearful and the United States attorney for Oklahoma and certain Government officials made those arrangements. I had nothing to do with that feature of it.

The CHAIRMAN. That is all, Mr. Bentley.

TESTIMONY OF MR. FRANK A. THACKERY.

The witness was duly sworn by the chairman.

The CHAIRMAN. You have already made a statement before the Committee on Indian Affairs concerning this Kickapoo matter?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You did not, in that statement, go into your disposition of the fund you received as trustee for the Oklahoma Kickapoos?

Mr. THACKERY. No, sir.

The CHAIRMAN. It is about that that I particularly want to ask you to-night. You received how much as that trustee?

Mr. THACKERY. \$100,851.06.

The CHAIRMAN. Was that the proportionate part of the \$215,000, after the \$28,000 fee that was paid to Mr. Bentley was taken out, that went to the Oklahoma Kickapoos?

Mr. THACKERY. Yes, sir; 82 in number; 82 out of 157.

The CHAIRMAN. How long had you been connected with the Kickapoo Indians in Oklahoma?

Mr. THACKERY. How long had I been at that time? I took charge there on the 1st day of October, 1901. That was 1908.

The CHAIRMAN. It had been about seven years, then?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Something over seven years?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What did you do with this fund that you so received?

Mr. THACKERY. I endeavored to take it up officially under bond in order that I might better control or have authority over its expenditure. But the Comptroller of the Treasury held that I could not be made to account for it officially, under the act appropriating the money, and I therefore held it individually, and later I took up part of it as guardian.

I expended it—in the first place, I paid it to them by check; had every check read to the order of the Indian entitled to receive it. As far as I could I sought to have it expended in the improvement of their Oklahoma homes. I built somewhere between 11 and 20 houses on different allotments. We bought a large number of stock and wagons, conveyances, and such things as that. They paid up what debts they owed, which was quite considerable, and it cost them about—in the neighborhood of \$7,000 to attend the council provided under this act. They had to go from Oklahoma to Mexico and back.

The CHAIRMAN. How was this fund paid over to you?

Mr. THACKERY. It was paid by one warrant from the Treasury of the United States.

The CHAIRMAN. Paid to your order?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What did you do with it?

Mr. THACKERY. I indorsed it and cashed it, and deposited the money to my credit as trustee.

The CHAIRMAN. In what bank?

Mr. THACKERY. The most of it was in the Shawnee National Bank. I checked it, I think, all through that bank, but for short period—while I had a considerable amount of it I had smaller amounts scattered in one or two other banks—the Oklahoma National and the State National, and possibly another one. I am not sure about that.

The CHAIRMAN. What was your object in handling it that way?

Mr. THACKERY. Well, no particular object, other than to divide it up between the banks. I checked it, as I say, on the one bank, and when the account ran down I transferred from the other banks to the Shawnee National, on which I was checking.

The CHAIRMAN. Have you an itemized statement of the fund and the disbursements of it up to date?

Mr. THACKERY. Yes, sir. I have not an itemized statement, but I have my book showing the account of each Indian.

The CHAIRMAN. Did you open an account with each individual Indian of the S2?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Did you take receipts for all sums that you expended?

Mr. THACKERY. I paid it by check to them, to their order. The check itself is the receipt. I have practically all of the canceled checks.

The CHAIRMAN. Has your account ever been gone over by any officer?

Mr. THACKERY. No, sir.

The CHAIRMAN. What amount of funds have you now on hand?

Mr. THACKERY. I do not know exactly, but \$300 or \$400.

The CHAIRMAN. It is all paid out but \$300 or \$400?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. I believe you stated that you first sought to take up the money with a bond?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. And you were not permitted to make a bond, or not required to make a bond?

Mr. THACKERY. No, sir.

The CHAIRMAN. You took up the fund then without any security whatever?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What was your personal financial condition at that time?

Mr. THACKERY. Why, I was worth about \$6,000, I guess.

The CHAIRMAN. Did you call the attention of the Treasury officials to that matter?

Mr. THACKERY. No, sir; I did not.

The CHAIRMAN. Whom did you take up the question with of making a bond?

Mr. THACKERY. At the Indian Office, with several people there. I remember particularly the then Chief of the Education Division, Mr. Dortch.

The CHAIRMAN. Why did you not take it up with the commissioner himself?

Mr. THACKERY. I think I did, but I will not be positive. I discussed it with four or five there in authority. The commissioner, I know, preferred that I give a bond, and it was after discussion with him, either by myself or by the men with whom I had discussed it in the office, that we prepared a bond, and I believed I signed it and sent it in for approval; and then it was that, pending a decision of the comptroller because of the peculiar and rather unusual wording of the act it was a question whether under the act I could be required to account for it. His decision was that I could not, and nothing more was said about the bond.

The CHAIRMAN. The Comptroller of the Treasury held that under that act of 1908 no accounting whatever was required, and therefore no bond was required of you as disbursing officer?

Mr. THACKERY. Yes, sir. I have here an authenticated copy of his decision, which I keep in this book [handing paper to chairman].

The CHAIRMAN. You occupy the same legal relationship to the fund which you received for the Oklahoma Indians as Mr. Bentley did for the Mexican Kickapoos?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. He held that under the act of 1908 you and Mr. Bentley became collecting agents for the Indians, and were not required to give any bond for the funds that were paid to you?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Let that go in the record.

(The decision referred to is as follows:)

Appeal No. 15286.]

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
June 8, 1908.

The Auditor for the Interior Department, on June 4, 1908, by certificate No. 5393, made a settlement in favor of—

O-ke-mah and Martin J. Bentley for.....	\$86,273.94
To Martin J. Bentley.....	26,875.00
To Frank A. Thackery.....	101,851.06

Under and in pursuance of the following act of Congress, approved April 30, 1908: "That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of two hundred and fifteen thousand dollars, for the fulfillment of certain treaty obligations to the Mexican Kickapoo Indians for differences arising out of the stipulations of article four of the treaty of June twenty-eighth, eighteen hundred and sixty-two, and for all other differences growing out of any and all treaties and agreements heretofore made between said Indians and the United States. Said sum of two hundred and fifteen thousand dollars shall be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of said Mexican Kickapoo Tribe in council assembled. Such council shall be composed of a majority of those surviving members of said tribe, male and female, heretofore allotted in Oklahoma. The authorization above mentioned and the proceedings of said council shall be attested by a clerk of the United States district court of the Territory of Arizona. Said sum shall be immediately available and the indorsement of the warrant issued in payment thereof shall be deemed and shall be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States."

The Mexican Kickapoo Indians in council assembled on the San Bernardino ranch, Arizona, on the 19th day of March, 1908, adopted a resolution in regard to the payment by the Secretary of the Treasury of said sum of \$215,000, as in said resolution set out, and which resolution reads:

"Be it resolved, That the Secretary of the Treasury be, and he hereby is, authorized and directed in making payment to the Mexican Kickapoo Indians of the sum of two hundred and fifteen thousand (\$215,000) dollars pursuant to said act of Congress to issue the warrant in payment of said sum to O-ke-mah, of Bavispie, Mexico, Martin J. Bentley, and Frank A. Thackery, of Shawnee, Oklahoma; and the said persons are hereby authorized and empowered to receive the said warrant and receipt for and endorse the same for and on behalf of said Mexican Kickapoo Indians."

It appears from the reports on file in this case and by the certificates of the clerk of the district court of the second district, Arizona Territory, that a majority of the members of said Mexican Kickapoo Tribe, in council assembled on the 19th day of May, 1908, said council being composed of a majority of those surviving members of said tribe, male and female, heretofore allotted in Oklahoma, directed and authorized the payment of said sum of \$215,000, as in said auditor's settlement set out, and to the persons therein named, and to the amounts therein specified. A question has arisen under the terms of said act and the authority granted by the said Indians in council, whether the persons so authorized to receive said appropriation by said Indians in council as aforesaid should be required to give bond and account to the Treasury Department for the proceeds of said appropriation coming into their hands on warrants herein above mentioned.

The Frank A. Thackery named in said settlement and warrant, and one of the persons so authorized by said Indians to receive said warrant, is superintendent and special disbursing agent for the Indian Training School, Shawnee, Okla., and now under bond as such agent in the sum of \$40,000. The Secretary of the Treasury, because of said question being raised on the 6th day of June, 1908, has directed me to review the said settlement of the auditor before the warrants have been issued and paid thereon with a view to determining whether the persons so directed to receive the proceeds of said settlements and warrants are trustees for the Indians, or should give bonds for the faithful discharge of their duties as such, and account to the United States for said moneys paid out on said warrants.

I have no hesitancy in answering each of said questions in the negative. While it is true that Indian agents are responsible to the United States under their bonds for all moneys that may come into their hands, under the law, and are trustees therefor, yet it is only for such Indian moneys as the United States places in their hands as the agents of the United States to carry out some trust obligation of the United States owing to the Indians. These moneys are not placed in the hands of the persons designated by these Indians under the act, supra, as the agents of the United States to carry out a trust obligation of the United States with these Indians, but the appropriation is paid to them by the United States as the collecting agents of these Indians, under the sanction and authority of specific law, and when so paid to them, such payment is full and complete acquittance to the United States of the obligation of debt recognized in said act to the Indians, and all other monetary obligations which the United States may owe to these Indians.

I am therefore of opinion that no bond should be required of the persons selected by the Indians as aforesaid on account of their collection of this appropriation, and that they should not be required to account to the Treasury for the proceeds of these warrants.

Respectfully,

R. J. TRACEWELL,
Comptroller.

The CHAIRMAN. Have you prepared an itemized statement for the record of your account?

Mr. THACKERY. No, sir; I have the book here from which I could prepare it. There are 82 accounts. I would be glad to prepare one.

The CHAIRMAN. I wish you would do so, and prepare to explain the disbursements that you have made.

Mr. THACKERY. Would you like an individual account of each one, or the total?

The CHAIRMAN. I would like an itemized statement of the account, so that I may ask you about it if there is anything about it that I do not understand.

(In response to the foregoing request the witness subsequently submitted the following statement:)

[Not submitted.]

Senator LANE. Is that your original book of entry?

Mr. THACKERY. Yes, sir.

Senator LANE. Is this the only book you kept?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. While we are discussing this point I wish you would explain how you kept this account.

Mr. THACKERY. After the council in Arizona I came here to Washington and received this warrant. Then I returned to Oklahoma and had a council of the Oklahoma division of these Kickapoos. They wanted to divide this fund with five other Kickapoos; five other full-blood Indians who had resided with them for a long while. They wanted these five to share equally with them, or nearly all of them did. I took down those council proceedings I now refer to, and it is a part of that book account in which they agreed for these five to share in the \$101,000.

I then drew checks, according to the agreement of these 82 allottees, prorating the amount that each of the 82 was to give to the five homeless Indians, in order that they might share equally. I did that in order to relieve myself. I drew checks payable to their order and let them then indorse these checks over to the account of these other five homeless Indians. The amount divided up between the 82 was \$1,198.25 in some cases and \$1,198.24 in other cases.

Then I drew checks to defray the expense of their trip to Douglas, Ariz., to attend this council. At the time they had to go to this council many of them had no funds and they borrowed from others who did have funds; and so the account there will show that the two first checks in almost every account was \$75 and \$71 and some cents. The \$75 represented the cost of one person from Shawnee, Okla., to Douglas, Ariz., and on out to the camps some 20 or 30 miles by team, and back to Oklahoma. The \$71 and some cents represented the amount that each one was giving to these five homeless Indians, which was also taken up and accounted for in the same manner as this.

Now, the balance I used the best I could. I had them use it the best I could, with what little authority over it I had, in the improvement of their home conditions—their farms.

The CHAIRMAN. How did you determine what Indians were entitled to share in this fund?

Mr. THACKERY. The act itself said that it was to go to the Kickapoo allottees, or words to that effect—those formerly allotted in Oklahoma, of which I had 82. There was 157 living at the time of this act, and of that 157 I had 82 and I believe Mr. Bentley had 75.

The CHAIRMAN. All of them had been allotted?

Mr. THACKERY. Yes, sir; all these 157 were allottees.

The CHAIRMAN. You had a list of them, did you?

Mr. THACKERY. Yes, sir; an allotment roll.

The CHAIRMAN. And knew who was entitled to share in this distribution?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. How did you determine when you would pay an Indian his part of this fund?

Mr. THACKERY. Well, there was no established method of determining. He would come and ask for funds for a particular purpose, and if I thought it was right I would give him a check for it. If I thought it was improper, I would try to talk him out of it. Had I held it officially, I could have used more authority over him. In many cases I was compelled to pay it and run the almost sure probability of having a suit filed on me individually for the land.

The CHAIRMAN. When you paid one Indian something, did you make a distribution to other Indians, or just pay it to them as you thought they needed it?

Mr. THACKERY. Just as I thought they needed it.

The CHAIRMAN. Did you pay everything by check?

Mr. THACKERY. Yes, sir; except in one case. There is one lone case where I paid a small amount, I think about \$161, to an Indian for his medical care and clothing, and one thing and another, when he was about dead with tuberculosis.

The CHAIRMAN. Could these Indians write?

Mr. THACKERY. Some of them.

The CHAIRMAN. How would you determine when an Indian had cashed his check, or whether he had or not? How would you know about that? Did you issue checks to the individual Indians, or did you give them to some one else?

Mr. THACKERY. They were issued to the Indians themselves, to their order, making it necessary for them to indorse the check. And many of their checks were witnessed by some person knowing the Indians.

The CHAIRMAN. Did you have any fixed way of handling that so as to know whether an Indian had in fact indorsed his check—an Indian that could not write and whose signature, if he could write, you did not know?

Mr. THACKERY. Of course, those that could write, we would know their indorsement on the check as soon as the bank made its statement. As to the others, there was no fixed plan of determining this question you raise.

The CHAIRMAN. Did you know of any cases where you gave checks to the Indians on this fund where the checks were cashed by white men or others for less than the actual amount of the check?

Mr. THACKERY. There was no such case ever came to me. I had not heard of it.

The CHAIRMAN. I will state to you that in some communities that has been quite a common practice in dealing with the Indians. I wondered whether you had ever encountered anything of the sort.

Mr. THACKERY. Many of our checks would be handled this way: Suppose the Indian wanted to buy a team. I would let him go and look up the team. He would have the seller bring it to the agency headquarters and we would examine the team. If we found the team all right, and the price satisfactory, we would issue a check payable to the order of the Indian and help him to put the proper indorsement on it, and then he would turn it over to the person from whom he had bought the horse.

The CHAIRMAN. You knew of the transaction itself as well as the way the check was made?

Mr. THACKERY. Yes. Some of them, however, were given to them, and they took them themselves and cashed them at the banks.

The CHAIRMAN. Now, in the disbursement of this fund, did you pay every one of these 82 Indians the same amount?

Mr. THACKERY. They got \$1,198.24 or 25 cents, in order to make the distribution come out even.

The CHAIRMAN. And after paying that amount you still have about \$300 of the common fund undisbursed?

Mr. THACKERY. Yes, something like that; I do not know the exact amount. I sent for my last bank statement, but I did not get it. It is all the same, excepting these five that are marked "homeless." They are the five whom the other people took in. This, you see, is not the same [indicating], but the amount represented here is accounted for in this.

(The witness here exhibited to the commission the account book referred to, and explained certain entries therein.)

Mr. THACKERY. Practically all of the 82 signed that agreement, but when you get over toward the back you will find two or three that agreed to all except one, so the amounts were a little different.

The CHAIRMAN. Is this an original document, representing the actual signatures?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Who signed those names where the Indians signed by mark?

Mr. THACKERY. Those were signed by myself. This is my writing.

The CHAIRMAN. You signed the names that are signed by mark?

Mr. THACKERY. Some of them I did. They were witnessed by persons attending the council.

The CHAIRMAN. That was all done there in the council, was it, Mr. Thackery?

Mr. THACKERY. All of the first ones were done in the council, and some of these who declined to sign came into the office a day or two later and signed to take care of two or three of the five. Practically all of them were signed at the council.

The CHAIRMAN. What did you do about that as to those who did not sign for all?

Mr. THACKERY. There were no disbursements made until this was all signed.

The CHAIRMAN. Some of them did not agree.

Mr. THACKERY. They all agreed, but some did not agree to dividing up with all of the five homeless Indians.

The CHAIRMAN. I understand. How did you handle that?

Mr. THACKERY. It shows here [indicating]. "I agree to the above excepting the payment of \$330 to Pe-ah-mah-ske."

The CHAIRMAN. Did you go ahead and pay them?

Mr. THACKERY. Oh, no; if you turn to their accounts you will find that their check is less.

The CHAIRMAN. That is what I wanted to know. So your effort was, as to those homeless Indians, to carry out the wishes of the Indians themselves as expressed in this agreement?

Mr. THACKERY. Yes, sir. It was carried out just that way.

Senator TOWNSEND. Has there been any complaint about that settlement?

Mr. THACKERY. No, sir; I have not had any.

The CHAIRMAN. I have not heard of any.

Representative BURKE. Was there any interest ever paid on these deposits?

Mr. THACKERY. Yes, sir; there was interest paid at first, when it was first deposited in the bank, about \$698; and then later I took it all up in every case where I was guardian of these adult Indians. You know, they were mostly adults, and I had been appointed guardian, and the guardian accounts then drew interest.

The CHAIRMAN. What did you get for your services in handling this account?

Mr. THACKERY. I used some of that interest that I speak of—\$698.

The CHAIRMAN. You say you used it.

Mr. THACKERY. I appropriated it to my own use. I paid some expenses which I could not take care of as Government expenses and the rest I used myself. Then when it was put in as a guardian account—you will notice that a good many of these [indicating] have a check drawn to me as guardian. The interest on all those guardian accounts went to the person for whom I was guardian.

The CHAIRMAN. Now, how much did you receive in all for your services as trustee in handling this fund of \$101,000?

Mr. THACKERY. Well, it was less than \$698. The exact amount I do not know. I would have to look it up.

The CHAIRMAN. That includes the interest item that you speak of?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. How long a period did that accounting run over, Mr. Thackery?

Mr. THACKERY. About two and a half or three years. Of course, I was receiving a salary as superintendent during that time.

The CHAIRMAN. You say that that appropriation was to the Kickapoo allottees?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Are you certain of that?

Mr. THACKERY. Well, it is certainly implied by the act itself.

The CHAIRMAN. I know, but what does the act say?

Mr. THACKERY. I think I had better refer to it [reading]:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$215,000 for the fulfillment of certain treaty obligations to the Mexican Kickapoo Indians for differences arising out of the stipulations of article four of the treaty of June twenty-eighth, eighteen hundred and sixty-two, and for all other differences growing out of any and all treaties and agreements heretofore made between said Indians and the United States. Said sum of \$215,000 shall be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of said Mexican Kickapoo Tribe in council assembled.

The CHAIRMAN. Now, that says "Kickapoo Indians." How many Kickapoo Indians are there in Oklahoma, or were there then?

Mr. THACKERY. Counting children and all?

The CHAIRMAN. Yes.

Mr. THACKERY. I could not tell you, but there is, I should say, over 100.

The CHAIRMAN. How did you reach the conclusion that the fund should be paid to the allottees only?

Mr. THACKERY. Because further down it provides:

Said sum of \$215,000 shall be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of said Mexican Kickapoo Tribe in council

assembled. Such council shall be composed of a majority of those surviving members of said tribe, male and female, heretofore allotted in Oklahoma.

In other words, it was put into their hands to say how it should come to them. It was left with them. First, in a council where both factions were together they said I should receive the part belonging to Oklahoma Indians. Then the Oklahoma Indians met in council—which is described in this proceeding to which I have called your attention in my account book—and further directed how theirs should be paid. So that while it was not paid direct to children of these allottees it did go to the parents and the children necessarily benefited; and more than that, it went to the parents by direction of the tribe who were given authority by this act to say how it should be paid.

The CHAIRMAN. How did you keep your accounts with those banks; or did you let the banks keep the account?

Mr. THACKERY. They rendered a statement.

The CHAIRMAN. How did you know what funds you had in the respective banks? Did you keep it in this book?

Mr. THACKERY. I kept only the account of the Shawnee National Bank on which I checked in this particular book. I have the bank statements of the other banks. They held it only a short time. Practically the whole amount is in the Shawnee National Bank, Shawnee, Okla.

The CHAIRMAN. Have you those bank books that contain those accounts?

Mr. THACKERY. No, sir; I have not. I wired as soon as I came for everything pertaining to this matter.

The CHAIRMAN. What interest did the banks allow you on those deposits?

Mr. THACKERY. I do not remember. It was an open account, and I think it was either 3 or 4 per cent for a short-time deposit. Later when it was taken up and accounted for as guardian it was more.

Senator TOWNSEND. What was it then?

Mr. THACKERY. I think it was 5, but I would not be positive. [To Supt. Buntin.] What do you get?

Mr. BUNTIN. Four per cent.

Mr. THACKERY. Under a bond?

Mr. BUNTIN. On daily balances; yes.

Mr. THACKERY. And the bank, in addition to its ordinary security as a bank, gives an additional surety company bond?

Mr. BUNTIN. Yes.

The CHAIRMAN. Did you undertake to see how the Indians spent this money when you paid it to them?

Mr. THACKERY. Yes, sir; I did everything that I could, under existing conditions, to have it judiciously spent.

The CHAIRMAN. There was nothing in the law requiring you to do that?

Mr. THACKERY. No, sir.

The CHAIRMAN. So far as the act itself goes, you could have paid the entire amount to each Indian at once without regard to what disposition he might make of it?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Were those Indians, in fact, competent, Mr. Thackery?

Mr. THACKERY. No, sir; I would not call any of them competent to judiciously spend that amount of money—the total amount due each one, I mean.

The CHAIRMAN. How did you determine what payment ought to be made to an Indian?

Mr. THACKERY. By an acquaintance with the Indian himself for a number of years as his superintendent, and by knowing what his allotment needed in the way of improvements, and what proper debts he had that should be paid, or what he needed in the way of stock or farming implements.

The CHAIRMAN. How many of them used this fund in making improvements on their allotments?

Mr. THACKERY. I have marked on that book 20 who used it partially, at least, for houses. Of that number I am sure that 11 built new houses, costing from \$800 down to—the least I recall was a \$300 house. Others bought wire and put up sheds, and in one or two cases, I believe, a well was dug.

The CHAIRMAN. Are you familiar with the condition of these Indians now, Mr. Thackery?

Mr. THACKERY. I have not seen them for about two years.

The CHAIRMAN. What was their condition when you left them? What per cent of them or what number of them could farm successfully?

Mr. THACKERY. If you mean by successful farming the standard of a white farmer, there was not very many of them that were farming successfully. They had been farming for a number of years—well, I would say from 5 to 15 or 20, and some few a 40-acre tract of land each year.

The CHAIRMAN. How is that?

Mr. THACKERY. They had been farming all the time I was there, and before that and since that, from 5 to 40 acres each, a number of them; I would say 25 to 30 of the men.

The CHAIRMAN. How long were you superintendent of that agency?

Mr. THACKERY. From October 1, 1901 to—

Mr. BUNTIN. June 15, 1911?

Mr. THACKERY. June 15, 1911.

The CHAIRMAN. Nearly 10 years then?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What do you say with reference as to whether they were forward or backward in their ordinary affairs of life?

Mr. THACKERY. I think they were forward. However, they did not go forward as much as they would have gone had it not been for this agitation. There was agitation there during most of the time I was superintendent, and that interfered.

The CHAIRMAN. How many of them were actually farming when you left them?

Mr. THACKERY. I do not know accurately, but I should say there was—of these 82 allottees there would be at least half that number of men. I should say that at least 25 of them had farms and were cultivating small tracts.

The CHAIRMAN. Were you a stockholder in the bank at Shawnee?

Mr. THACKERY. No, sir; I was not.

The CHAIRMAN. Did you own any stock at all?

Mr. THACKERY. No; not there. I owned a little bank stock with a cousin of mine at a little town a distance away, but I had no official deposit in it.

The CHAIRMAN. You distributed this fund, amounting to \$101,000, among the allottees on the theory that the children of the allottees were not entitled to share in the distribution?

Mr. THACKERY. On the theory, at least, that under the law the Indians had directed the manner in which I should spend it, thinking they had a right under the law to say how it should be spent, and also thinking that their children, who might have a right under some other theory of the law, were cared for by the parents using the money in their behalf.

The CHAIRMAN. To what members of the tribe were the allotments originally made? Do you know?

Representative BURKE. Who were they?

Mr. THACKERY. All of them—men, women, and children. There was an enrollment made, and every Kickapoo was supposed to receive 80 acres at the time the allotments were made, 1894.

The CHAIRMAN. Now, you closed a number of these accounts with these individual Indians by charging the balance off to yourself as guardian?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you know in how many cases you did that?

Mr. THACKERY. I did it in every case where I was guardian. I not only did that, but I accounted for the whole amount in my guardian accounts, under bond, to the court. In other words, my guardian account shows the total amount—the \$1,198.25.

Senator LANE. Is the guardian account in this book?

Mr. THACKERY. No, sir; the guardian account is filed with the courts in three different counties in Oklahoma.

The CHAIRMAN. Have your accounts all been approved, Mr. Thackery?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Have you copies of those accounts as guardian?

Mr. THACKERY. The copies are on file at the Indian agent's office at Shawnee.

The CHAIRMAN. How much of this fund is still in your hands as guardian of these respective Indians?

Mr. THACKERY. None whatever; I have turned it over to my successor—Supt. Buntin.

The CHAIRMAN. You have settled all those accounts?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What was the object in closing these accounts by checking out to yourself as guardian? I did not quite understand what the purpose of that was.

Mr. THACKERY. I did that under advice of the United States attorney.

The CHAIRMAN. Who was he?

Mr. THACKERY. John Embry. You see, I had been appointed for all those adult Indians, not with the idea of taking their funds over and handling them as guardian, but the idea of, through this appointment as guardian, making it impossible for any land speculators to take them from Oklahoma to Mexico, make them nonresidents, and get deeds under this 1906 act. I took them before the court, the

adult Indians, and asked the court to examine them and enter a decree as to whether he found them competent or incompetent. He found them incompetent and appointed me as their guardian—adults, mind you.

The CHAIRMAN. And your object in doing that was to—

Mr. THACKERY. To make it impossible for people to make them nonresidents, to take them to Mexico and make them nonresidents, under the act of 1906, and then take deeds to their land as nonresidents. I, as guardian, and the court having found them incompetents, would put it in a condition where they could not get a good title.

The CHAIRMAN. The act of 1906 apparently removing the restrictions, if an Indian who was then resident in Oklahoma had been induced to go to Mexico he could have deeded his property away but for the fact that he had been declared incompetent by a court there and you had been appointed guardian?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. And was that your object?

Mr. THACKERY. Yes, sir. And after I had proceeded with those disbursements of this money for several months the United States attorney suggested that in view of the fact that I had been appointed guardian and was receiving this money for these people, even though they were incompetents, and I had not originally expected to handle their funds, in order to have it straight I had better account for those funds as guardian, which I did.

The CHAIRMAN. Well, did you take any deeds to any of the property of the Indians for whom you were acting as guardian or trustee?

Mr. THACKERY. No, sir; except in the final settlement. Mr. Bentley and Mr. Ives and the Chapman-Grimes people, prior to the decision of the Federal court annulling this act, quitclaimed back to me whatever title they may have acquired under the 1906 act. They did that under instruction or advice from the United States attorney—

The CHAIRMAN. To what land?

Mr. THACKERY. To all of the allotments that had been clouded under that 1906 act.

The CHAIRMAN. Were those the allotments of Indians still residing in Oklahoma that were deeded back to you, or allotments of Indians who had gone to Mexico?

Mr. THACKERY. Mostly in Mexico, but a few of them in Oklahoma. As soon as the court rendered its decision that this 1906 act did not make it possible for them to convey without the approval of the Secretary, then I quitclaimed back to the Government, I think, in trust for the Indians, so that the title was then in its original state.

The CHAIRMAN. Did you sell any lands that were conveyed to you, or did you undertake to sell them?

Mr. THACKERY. No, sir—well, I sold one of the allotments from which the restrictions were removed under the 1905 act—one of the seven. Under the settlement that was quitclaimed to me as trustee, I did sell that, and I have a part of the fund and a mortgage on the land and the balance in that particular case. The part of the fund I have and the unpaid notes bear 7 per cent interest.

Senator LANE. Are you still acting as guardian in that case?

Mr. THACKERY. As trustee, not as guardian, in that case.

The CHAIRMAN. What was the consideration of that deed?

Mr. THACKERY. \$2,650.

The CHAIRMAN. What amount of that have you still on hand?

Mr. THACKERY. I have received one payment of \$560, I think—a thousand of it, anyway. But of that amount I have, I should say, about \$415 or \$420 in the Salt River Valley Bank in Mesa, Ariz. For the balance I have notes bearing 7 per cent interest, secured by a mortgage on the land.

Senator LANE. How long have those notes been running?

Mr. THACKERY. I should say about a year; possibly not quite a year—9 months or a year.

Senator LANE. You made this sale about a year ago?

Mr. THACKERY. Yes, sir.

Senator LANE. Were you on the reserve at the time?

Mr. THACKERY. No, sir.

Senator LANE. You were still guardian for them and had moved somewhere else?

Mr. THACKERY. No; not guardian; I was trustee for this one allottee only.

Senator LANE. How did it happen that you remained trustee when you were not there any longer?

Mr. THACKERY. I did it by direction of the Interior Department. This was a case where the title—the restrictions had been actually removed. It was one of the seven. Had it been in the same class as the 1906 act I would have reconveyed and the Government would have held it in trust; but as it was the title was naturally vested in the Indian, and it was necessary for me to hold it as trustee. The Indian lives in Mexico, in Sonora, and has a son where the superintendent resides. I am willing to turn it over. I would be very glad to get rid of it.

The CHAIRMAN. You were superintendent of that agency when you were made trustee?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You objected to the moving of the Indians to Mexico?

Mr. THACKERY. I advised the Indians against it, because I did not have any faith in the proposition.

The CHAIRMAN. Did you go down to Mexico at any time when those parties were trying to get deeds from the Indians for the Oklahoma allotments?

Mr. THACKERY. I was in Mexico when the act of June 21, 1906, was passed. This was in Eagle Pass, Tex.

The CHAIRMAN. What were you doing there?

Mr. THACKERY. I had been sent down to assist the assistant United States attorney in procuring evidence with relation to the deeds taken on the seven allotments under the act of March 3, 1905, in the hope that those deeds, which we then believed to be improper, might be set aside and the rights of the Indians protected. While we were there this other act became a law.

The CHAIRMAN. Did you undertake to get deeds or induce Indians to make deeds to any of their lands?

Mr. THACKERY. No, sir; I did not.

The CHAIRMAN. Did you have any part in the alleged attempts to despoil them that we have heard so much about?

Mr. THACKERY. None whatever.

The CHAIRMAN. Did you know of that being done? What do you know about it?

Mr. THACKERY. I was in Eagle Pass part of the time, and most of these alleged frauds were committed some 70 to 100 miles away, in Mexico—some 70 miles or 100 miles distant from Eagle Pass, in Mexico. I knew very little personally of these transactions—almost nothing, but when I first reached Muzquiz a bunch of these Oklahoma men were there waiting for this bill, then pending, to become a law.

At the time I first visited Muzquiz the Bentley faction was apparently in control of the situation. They seemed to have the good will and cooperation of the Mexican officials, and I did not like the looks of that situation. And it was not more than a matter of two or three weeks until he had been dethroned and the other fellows were in control. I advised the department fully of the whole condition, and urged particularly that the whole Indian bill, if necessary, should be vetoed.

The CHAIRMAN. How did you advise that?

Mr. THACKERY. By wire and by letter. There are 15 or 20 letters and more than that number of telegrams in the record.

The CHAIRMAN. Were all of them put in the record by the committee?

Mr. THACKERY. I won't be sure that all of them were, but many of them are there. They are scattered through the record. If they could be read consecutively they would show clearly what I did.

The CHAIRMAN. Have you copies of all that correspondence?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you want to put it in the record?

Mr. THACKERY. I should be very glad to.

The CHAIRMAN. You may furnish them to the stenographer, if you please. Furnish copies of the communications you had at that time, and furnish them in chronological order.

(The correspondence subsequently submitted by the witness in response to the foregoing request is as follows:)

OFFICE OF THE UNITED STATES ATTORNEY,
DISTRICT OF OKLAHOMA,
Guthrie, April 20, 1906.

Hon. FRANK A. THACKERY,
*Superintendent and Special Disbursing Agent,
Shawnee, Okla.*

DEAR SIR: This office is in receipt of a letter from the Attorney General of the United States in reference to the conduct of Martin J. Bentley in securing deeds from certain Kickapoo Indians for their allotments in this Territory, the restrictions upon alienation of which were removed by the act of Congress approved March 3, 1905. The Attorney General directs me to assign an assistant attorney to make a thorough investigation of this case, with a view of taking such action as may be found proper or expedient to protect the Indians, or to prosecute Mr. Bentley if the investigations should disclose that he has committed an offense against the United States, the Territory of Oklahoma, or the State of Texas. In compliance with the instructions of the Attorney General I have detailed Assistant Attorney George A. Outcalt to make the investigation, on account of his experience with Indian affairs.

The Attorney General suggests that the assistant attorney should go to Eagle Pass, Tex., and to Mexico, and among the Kickapoo Indians Bentley induced to remove to Mexico. And inasmuch as you are personally acquainted with these Indians, and have made a trip or two to the locality where they are located, I think it of the utmost

importance that you accompany Mr. Outcalt on this trip, and assist him in securing the statements of the Indians. You should take with you an interpreter upon whose honesty you can rely, to the end that every statement you obtain may be relied upon. It will also be necessary to secure in Mexico some person who can speak the Spanish language to assist you. The honorable Secretary of the Interior, in his letter transmitting the papers in this case to the Department of Justice, states that the Department of the Interior will render all of the assistance possible in this investigation, and I am quite sure that if you will advise your department that you have been requested by me to accompany Mr. Outcalt and assist in the investigation, and that it will be necessary to have the interpreters suggested above, you will be instructed to go with Mr. Outcalt and to employ such interpreters as you will find necessary.

I trust you will take this matter up with the honorable Commissioner of Indian Affairs at once, to the end that an early investigation may be made.

Very respectfully,

J. W. SCOTHORN,
United States Attorney.

UNITED STATES INDIAN AGENCY,
Shawnee, Okla., April 21, 1906.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to inclose herewith a letter just received from Hon. John W. Scothorn, United States attorney for Oklahoma, which refers to the matter of Mr. Bentley's connection with the removal of the Mexican Kickapoo Indians of this agency to Mexico. He desires that I be authorized to accompany his assistant United States attorney and to employ an Indian interpreter from here to go with us to Mexico, and to employ a Spanish interpreter after reaching Mexico. I can get an Indian interpreter for \$2.50 per day and his expenses, but for a Spanish interpreter I should be authorized to pay \$4 per day and his expenses. In order to properly investigate the matter of any proposed title to land claimed by Mr. Bentley on behalf of the Kickapoos, I should be authorized to go to such places in Mexico as found necessary.

In this connection I would respectfully refer to your letter dated January 19, 1906, directing that I withhold all money due the Mexican Kickapoo Indians residing in Mexico. It is probable that we would find the Kickapoo in a condition not conducive to our getting much evidence from them unless this order as to paying them their money might be temporarily suspended and I be authorized to pay them the lease money or monthly allowance of inherited Indian land money now due them from this office. It might be found advisable not to make any payment, but it would seem proper that I be given some discretion in the matter, so that we could better meet conditions as we find them upon our arrival there.

I think it is advisable that the United States consul (and such other representatives of the United States as you may suggest who might be able to aid in the case) be requested, through the proper channels, to give us every possible assistance in getting at the facts of this whole matter. I would ask that this matter be made special, since it is important that as much evidence as possible be secured while Mr. Bentley is still in Washington, for with his presence with the Indians in Mexico it would be very difficult to get anything out of the Kickapoo Indians. If it is thought advisable that I go with the assistant United States attorney I should be wired to that effect, so that preparations can be started at once.

Very respectfully,

FRANK A. THACKERY,
Superintendent and Special Disbursing Agent.

DEPARTMENT OF THE INTERIOR,
Washington, May 7, 1906.

THE COMMISSIONER OF INDIAN AFFAIRS.

SIR: In compliance with your recommendation of the 3d instant, authority is hereby granted the superintendent of the Shawnee Indian School, Oklahoma, to proceed to such points in the Republic of Mexico as may be necessary to assist Mr. George A. Outcalt in making an investigation for the Department of Justice in relation to the connection of M. J. Bentley with the transfer of certain Kickapoo allotments; also to employ one Indian interpreter at not to exceed \$2.50 per day and one Spanish interpreter at not to exceed \$4 per day; also to pay the traveling and other necessary expenses incurred by himself or on behalf of the interpreters employed and to

expend for these purposes not to exceed \$500, payable "Contingencies, Indian Department, 1906," which you state will not be exceeded if these expenditures are authorized.

Authority is also granted said superintendent to make such payments of lease money or inherited-land money to Indian allottees or their heirs in Mexico as he may think advisable from funds due them and now on deposit to the superintendent's official credit as individual Indian moneys.

The inclosures of your letter are herewith returned.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

[Telegram.]

SHAWNEE, OKLA., *May 18, 1906.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

About 20 Kickapoo Indians were deceived into secretly leaving for Mexico yesterday, the object evidently being to make them nonresidents and get deeds for their allotments under supposed legislation by this Congress.

THACKERY, *Superintendent.*

[Department of the Interior, United States Indian Service.]

UNITED STATES INDIAN AGENCY,
Shawnee, Okla., May 18, 1906.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In confirmation of my telegram of even date, which reads as follows:

"COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.:*

"About 20 Kickapoo Indians were deceived into secretly leaving for Mexico yesterday, the object evidently being to make them nonresidents and get deeds for their allotments under supposed legislation by this Congress"—

I have the honor to state that this matter was reported to us this morning by a delegation of Kickapoo Indians, who are very much aggrieved and discouraged over the matter.

From their report to me it is learned that one Louis C. Grimes, of Harrah, Okla., assisted by Cal Moore, also of Harrah, Okla., visited all the Indians residing in the locality of the towns of Harrah and McLoud, Okla., on the 16th and 17th instant and advised them that there was to be a big payment in Mexico in the near future and that I had directed that these Indians go at once to be present at this payment. A great deal has been published in the papers of late with reference to the removal of restrictions from the Kickapoo allotments of this agency, and also of the amendment to the Indian bill providing for payment of certain moneys to the Kickapoos. These Kickapoos were evidently led to believe that the Indian appropriation bill had passed and, as a consequence, the payment would be made in the near future.

There are still about 60 members of the Kickapoo Tribe residing at this place and every effort is now being made to have them removed to Mexico, it being the general supposition that the restrictions will be removed from their allotments in the very near future.

This matter is referred to you for your information in connection with the proposed legislation with reference to these Kickapoos and with the further view of asking your advice as to any possible means of protecting these Indians.

I have about exhausted my persuasive resources in endeavoring to persuade these Indians not to desert their valuable allotments at this agency, as well as not to be deceived into schemes of their designing neighbors.

Very respectfully,

FRANK A. THACKERY,
Superintendent and Special Disbursing Agent.

[Telegram.]

MUZQUIZ, MEXICO, *May 29, 1906.*COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.:

We find no title of record for Kickapoo Indians for land in Mexico, notwithstanding Bentley's statement before Senate committee.

F. A. THACKERY, *Superintendent.*

[Telegram.]

EAGLE PASS, TEX., *June 1, 1906.*COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Mexican authorities at Muzquiz refuse to recognize Outcalt and myself as Oja's representatives of the United States until they receive proper directions from Mexican Government. We visited Kickapoo camp May 30, and were ordered away by policemen, who were acting under written direction of chief politico of Muzquiz municipality. Later we interviewed said official and there had his order interpreted, finding that in reality it places Bentley in full control of the land upon which Kickapoos reside, with several policemen at Bentley's command. We find eight Oklahoma men at Muzquiz to buy Kickapoo land, in case restrictions are removed. Bentley's evident object in securing official order mentioned above is, first, to prevent our investigation, and, second, to make it impossible for an outsider to purchase Kickapoo lands, excepting through Bentley.

It is further reported with apparent truthfulness that the vice American consul is to go to Muzquiz to take acknowledgments to deeds for Bentley. If restrictions are removed this should be prevented, thus making it necessary for Indians to go to Eagle Pass to acknowledge deeds where there would be competition for their lands. It is evident that Mexican laws have been violated in dealings with Kickapoos, and Outcalt and myself urge that authority be granted to expend not exceeding \$500 in employing Mexican attorney to prosecute violations of Mexican laws in dealing with Kickapoos. This action would better open up the case for prosecution in United States. Collector of Customs Dowe could render us valuable assistance if he could be authorized to go with us. He is well acquainted in Mexico and understands their laws and ways. Wire me whether to wait (here) or elsewhere for further orders.

THACKERY, *Superintendent.*UNITED STATES CUSTOMS SERVICE,
*Port of Eagle Pass, Tex., June 2, 1906.*THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to refer to my telegram of yesterday with reference to the Mexican officials refusing to recognize Mr. Outcalt and myself as representatives of the United States until they received proper directions from the Mexican Government and to explain the matter further as follows:

We left Shawnee on May 21, arriving here on the 23d of May. Upon our arrival here we called upon Collector of Customs R. W. Dowe, who has been exceedingly kind and helpful to us in our work. He advised us of the difficulties he has had with Mr. W. A. Bonnett, president of the Border National Bank of this place, in the way of smuggling diamonds and other valuable articles across from Mexico in order to avoid paying duty. Mr. Dowe has other apparently conclusive evidence against Mr. Bonnett along the same line, which is not mentioned in the copy of his letter which I mailed you a few days ago. Mr. Bonnett's connection with this smuggling appears to date back several years and is believed to have been quite extensive.

That there is an improper connection with this Mr. Bonnett and his father, J. A. Bonnett, vice consul at this place, on one side and Mr. Bentley on the other, I have but little doubt. The general reputation of these two men (Mr. Bonnett and his son) here where they have lived for many years is not very good. It is evident, then, that any moneys due the Indians of this locality should be paid to them through some other source than the Border National Bank, as is, or was, originally specified in the Indian bill now pending before Congress. As suggested in my telegram, it was arranged by Mr. Bentley for the vice consul, J. A. Bonnett, to go with Bentley to the Indian camp near Muzquiz, Mexico, for the purpose of taking the acknowledgments to deeds in the

event that the restrictions are removed from the Kickapoo and other allotments. This should be taken up with the State Department with the view of having Mr. Bonnett directed not to take the acknowledgments to these deeds.

Before leaving Eagle Pass, and by the assistance of Mr. Dowe, we secured letters of introduction from the Mexican federal judge of the Muzquiz district to the authorities at Monclova and Muzquiz, Mexico. Monclova is the town where all deeds and land transactions are recorded for the whole district wherein the Indians propose to purchase lands and reside. We went from here to Monclova, and after the authorities there had made a careful search of the records (three days' search), the official in charge of the land office gave us a certificate showing that nothing had been recorded in his office showing title of any description to any lands in his district, either in the name of Mr. Bentley or of the Indians. We then proceeded to Muzquiz, and on the morning of May 30 called at the office of the highest official of that locality. He was not there, so we left our card and went out to the Kickapoo camp, about 12 miles distant, not having met the official. We reached the Indian camp about 3 o'clock p. m., and found the Indians mostly all dancing. We did not bother them, nor even talk to them more than to greet those who spoke to us, or to answer the few questions asked of us. With the exception of John Mine and his brother, Wah pe che quah, the Indians seemed pleased to see us, inviting us to stop at their camp and eat with them.

In a few moments after reaching the camp we joined some other white men where they were fishing in the Sabinas River near by. We returned to the Indian camp about dark and found Wah pe che quah waiting for us. Upon approaching close to him he advised us that we must leave their camp, and that the Mexican officials had so directed. We advised him that we would obey the Mexican officials, but not him. Soon after reaching the camp the Mexican policemen (I think there were four) appeared and stated that they were directed by the chief politico to request us to leave the Indian camp immediately or we would be arrested. This order included all white men on the grounds. Henry Jones, our Indian interpreter, and a Mr. Beaty then stated that the Mexican policemen had, a short time previously, showed them the order, and that it was signed by Martin J. Bentley rather than by the chief politico. We then asked the policemen to permit us to see the order, but they would not, or at least did not, show it to us. They insisted, however, that it was from the chief politico at Muzquiz, whereupon we agreed to leave the Indian camp and land. We went to Muzquiz that night and called upon the chief politico the following morning. He had an interpreter (Dr. Long) read us his order in English. The order, as interpreted to us, amounted to the placing of Mr. Bentley in full control of the land where the Indians are located, with several policemen at Bentley's command. No person, therefore, can see or talk to one of the Indians unless he do so through Mr. Bentley or take the risk of being arrested by the Mexican policemen.

It is very evident that Mr. Bentley's object is to prevent our investigation, and to make it impossible for the other white men who are there to buy land to deal with the Indians excepting through him. We found eight Oklahoma men at Muzquiz for the purpose of buying Kickapoo lands in the event of the removal of the restrictions. These eight men represent many other men in Oklahoma who have sent the cash here to pay the Indians for their lands. While they expect to get it cheap, I am convinced that they will pay three or four times the amount that Mr. Bentley expects to pay them. A further part of Mr. Bentley's scheme seems to be, as referred to before, to have the American vice-consul, J. A. Bonnett, go to this land where Mr. Bentley has the Indians so completely under his control, to take their acknowledgments to deeds, thus avoiding a possibility of Mr. Bentley not being able to purchase every Kickapoo allotment in Oklahoma. If Mr. Bonnett is prevented from going over there to take these acknowledgments, then the Indians must come to Eagle Pass to acknowledge these deeds, and whenever they get into our country there will be sharp competition for the purchase of their lands. This competition seems to be exactly what Mr. Bentley wants to avoid. Since telegraphing you yesterday Mr. Dowe informs me that Vice-Consul Bonnett called at his office last evening and spoke of the Bentley-Kickapoo case, stating that Bentley wanted him (the vice-consul) to go to Muzquiz to take the acknowledgments to the Kickapoo deeds. Mr. Bonnett wanted Mr. Dowe's advice in the matter, and Mr. Dowe urged him to have nothing whatever to do with the acknowledgments to the deeds even if Mr. Bentley and the Indians called upon him at his post of duty, which is just across the river in Mexico from this town (Eagle Pass). Mr. Bonnett promised, or gave Mr. Dowe to understand, that he would have nothing further to do with the matter.

In my telegram of yesterday I urged that authority be granted to employ a Mexican attorney to prosecute violations of Mexican laws in this Kickapoo case. Both Mr. Outcalt and Mr. Dowe concur with me in this plan. It seems very essential in order to get a proper start for prosecution in the United States. It is further advisable as a

means of protection to both the United States and Mexico, because I am convinced that unless some decisive steps are taken (assuming that the restrictions will be removed from the Kickapoo and other Indian lands) to protect the rights of these Indians under the laws of both the United States and Mexico they are going to lose everything they have in the United States without acquiring anything in Mexico. They will then be paupers on the hands of either the United States or Mexico. The question for our country to decide at this time seems to me to be which country is to be burdened with them as such paupers. It seems to me that the United States should now, before it is too late, have such an understanding with Mexico as will definitely settle this point.

If these Indians are to lose all that we have given them in our country, we do not want Mexico to call upon us to take these Indians back to the United States as she has already done once about 35 or 40 years ago. If they are to settle in Mexico as her citizens, it should be to the interest of Mexico to see that they acquire a proper title to some land upon which to live and work out their subsistence. The United States should have an equal interest in their getting a proper title to land in Mexico, in order that they may not drift back upon us penniless. Again, it is my opinion that the men who are back of this scheme of removing Indians from the United States to Mexico fully expect to make it a wholesale business, covering as many tribes of Indians as they can persuade into their trap. I urge, therefore, that the part of the United States in this matter be thorough. We should have the fullest support possible in the way of authorities, and any assistance that your office can secure for us through the Treasury Department or through the State Department with the Mexican officials should be given at once.

Mr. Dowe states that he would willingly go with us into Mexico and assist us, if authorized to do so by his department. He has been in this country many years, and has a large acquaintance with both Mexicans and United States officials of this locality. He speaks Spanish, and is well acquainted with Mexican laws and ways. He would be of great assistance to us further, as his whole heart seems to be bent on the exposure of crookedness and the purification of political and Government matters generally.

Very respectfully,

FRANK A. THACKERY,
Superintendent and Special Disbursing Agent.

[Telegram.]

EAGLE PASS, TEX., *June 2, 1906.*

COMMISSIONER INDIAN AFFAIRS, *Washington, D. C.:*

Message just received from Outcalt, at Muzquiz, as follows:

"Murdock and three other Indians arrested. Murdock was put to work on street as soon as Bentley learned he was employed as our interpreter. Bentley made a speech at camp last night, in which he stated that he would have every Indian sent to jail who did not deed him their land. Field is here. Wire department full particulars.

"OUTCALT."

Authority should be granted at once to employ Mexican attorney and assistant of Mexican officials secured at earliest possible date.

THACKERY, *Superintendent.*

EAGLE PASS, TEX., VIA DIAZ, *June 2, 1906.*

GEORGE OUTCALT, *Muzquiz:*

Do not pay any debts of Indians at present. Letter follows:

[SEAL.]

THACKERY.

MUZQUIZ, *June 2, 1906.*

FRANK A. THACKERY, *Eagle Pass, Tex.:*

Arrested Murdock and three other Indians. Murdock was put to work on street as soon as Bentley learned he was employed as an interpreter. Bentley made a speech at camp last night in which he stated that he would have every Indian sent to jail who did not deed him their land. Field is here. Wire department full particulars

[SEAL.]

OUTCALT.

EAGLE PASS, TEX., VIA DIAZ, *June 2, 1906.*OUTCELT, *Muzquiz:*

Your message forwarded to Washington. I am ordered to wait further instructions here. Do all that you can to get Murdock out.

[SEAL.]

THACKERY.

[Telegram.]

EAGLE PASS, TEX., *June 3, 1906.*COMMISSIONER INDIAN AFFAIRS, *Washington, D. C.:*

Have just had a long consultation with most eminent and reliable Mexican attorney of northern Mexico. After fully understanding the whole Kickapoo matter this attorney urges that Outcelt and myself take delegation of five Indians to Mexico City and lay whole matter before President Diaz, asking Diaz to send a Government commission to Muzquiz immediately, with full authority to act in this whole matter because of apparent connection of Bentley with local officials at Muzquiz. The above plan is the only proper solution of the difficulty. Mexican attorney here is certain that Diaz will promptly comply with joint request from Indians and our Government. This will bring whole matter fairly before Mexican Government. Our State officials should be directed to arrange matters for us in Mexico City. Should Indian bill pass with provisions for payment of money or for removal of restrictions, the President should be urged not to sign bill at least until proposed Mexican Government commission reaches Muzquiz.

THACKERY, *Superintendent.*EAGLE PASS, TEX., *June 4, 1906.*

DEAR GEORGE: Have not received any further instructions yet from department. Russell Johnston did not send your message to Mr. Scothorn until he reached here and turned it over to me to send. I took the liberty of adding a little to it in order to have Scothorn better understand matters here and with my recommendations to Interior Department. The message I sent read as follows:

SCOTHORN, *Guthrie, Okla.:*

Bentley interfering with our work every way possible. Arrested interpreter to-day. Claims to have been sent here by Government. Best Mexican attorneys urge that we visit Mexico City with small delegation of Indians and lay whole matter before Diaz, requesting that he appoint a commission to go to Muzquiz immediately and take up whole matter under Mexican laws. Thackery has made similar request to Interior Department. This would open up matters for prosecution in the United States.

OUTCELT, *Assistant Attorney.*

On Sunday morning I had a conversation of several hours with Mexican district attorney for this part of northern Mexico. He requested that our conversation be strictly confidential; but after fully understanding whole situation at Muzquiz he said not to employ an attorney, but to keep whole matter strictly to ourselves and slip out a few (five, say) of most reliable Indians who have been residing at Muzquiz for some time and take them immediately to see Diaz, asking him to send a commission to take full control (for Mexican Government) of whole Kickapoo situation at Muzquiz. The district attorney is very sure that Diaz will readily respond to this request when he understands the whole situation.

No person but you and I should know of this plan for the present. In the meantime you should get as many of the Indians up here to Eagle Pass as possible by working with those other white fellows at Muzquiz.

Grimes would be your best help in getting the Indians out. The district attorney suggested that they take the train at Sabinas rather on the quiet. The one man should be there to get them on the train and one up here and that the others should remain at Muzquiz ignorant of the whole matter. All proper debt will be paid at Muzquiz, but it is the desire to have them properly investigated by this commission before they are paid. Be very careful what you do. I think that a good delegation to take to Mexico City would be Pah pe ah she (the man who drove us in from Indian camp), Ah ne she nen ne, Willie Murdock (now here), Chah ko sot, and either Ah ten y tuck or Ah kis kuck. We would have to take either Mack Johnston or Thos. Alford as interpreter—preferably the latter. As stated before, it is of particular importance that no one know of this trip until our mission is accomplished, for it would just give them a chance to better fortify themselves.

Sincerely,

THACKERY, *Superintendent.*

[Telegram.]

EAGLE PASS, TEX., June 4, 1906.

COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.:*

Vice-Consul Bonnett has declined to go to Muzquiz to acknowledge deeds, but has arranged for Consular Agent M. O. Harsh, of Sierramojada, Mexico, to go in his place.

THACKERY, *Superintendent.*

[Telegram.]

EAGLE PASS, TEX., June 5, 1906.

COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.:*

Reliable Indian informs me to-day that Bentley now has all roads to Indian camp guarded and with assistance of Mexican policemen no person is allowed to enter or leave Indian camp, except by Bentley's permission. I sincerely hope in behalf of Indians that restrictions will not be removed and no money paid Indians at present.

THACKERY, *Superintendent.*

EAGLE PASS, TEX., VIA DIAZ, June 5, 1906.

GEORGE OUTCELT, *Muzquiz:*

Forward my mail here; expect definite instructions soon.

[SEAL.]

THACKERY.

[Telegram.]

EAGLE PASS, TEX., June 6, 1906.

COMMISSIONER OF INDIAN AFFAIRS, *Washington, D. C.:*

If Indian bill passes removing restrictions from Indian tribes named therein as affiliating with Kickapoos Bentley and associates expect to remove said tribes to Mexico as soon as possible, and already have their plans well arranged to accomplish this work. The allotments of all of said tribes are valuable for farms, and Cherokee Shawnee allotments are especially valuable for oil. I again urge that President be asked to veto Indian bill if necessary to prevent consummation of this scheme.

THACKERY, *Superintendent.*

C. PORFIRIO DIAZ, VIA DIAZ, June 7, 1906.

GEORGE OUTCELT, *Hotel Central, Muzquiz:*

Wire me immediately if everybody is all right. If not, give particulars.

[SEAL.]

THACKERY.

MUZQUIZ, June 7, 1906.

FRANK A. THACKERY, *C. P. Diaz.*

Yes. Authorities weakening. Boys go to camp to-night.

[SEAL.]

OUTCELT.

DEPARTMENT OF THE INTERIOR,
Washington, June 11, 1906.

THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

SIR: Referring to department letter of June 7, 1906, in connection with amendment No. 136 to the Indian appropriating bill, H. R. 15331, calling attention to certain telegrams received from Superintendent Thackery, in charge of the Kickapoo Indians,

wherein the hope was expressed that the restrictions relating to the sale of Kickapoo lands will not be removed and that no money be paid said Indians at present, I have the honor to transmit herewith a copy of a report from the Acting Commissioner of Indian Affairs, dated the 8th instant, quoting a further telegram from Superintendent Thackery, giving additional reasons why, in his judgment, the restrictions on the sale of Kickapoo lands should not be removed.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

EAGLE PASS, TEX., VIA DIAZ, June 12, 1906.

GEORGE OUTCELT, *Muzquiz:*

To-day's paper reports that Senate accepted conference report on Indian bill.

[SEAL.]

THACKERY, *Superintendent.*

UNITED STATES CUSTOMS SERVICE,
Port of Eagle Pass, Tex., June 15, 1906.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have been shown a copy of your letter of recent date to the honorable Secretary of the Interior, having reference to the Bentley-Kickapoo matter, and in which you refer in part to the connection of Mr. J. A. Bonnett, vice American consul, in said matter. In order that the fullest information may be had in this matter when it is taken up, I have the honor to make the following suggestions for your further consideration in the case: First, I would state that I have no definite knowledge of the report made by Supervisor Charles H. Dickson relative to the connection of Mr. Bonnett in the Bentley matter, but I do know that Mr. Bonnett has told various persons, to wit: R. W. Dowe, collector of customs this place; Russell Johnson, assistant cashier of the State National Bank, of Shawnee, Okla., and Doc Beaty, a saloon man of Oklahoma City, Okla., and others, that the report of Supervisor Dickson was false from beginning to end, or something to this effect.

Mr. Bonnett has exerted an undue influence in this Bentley matter against both Mr. Dickson and myself, and it must follow that such influence was also against the best interests of the Interior Department that we represented. From the best information I can get Mr. Martin, the consul at this place, is not at fault in the matter. He has the confidence and good will of the people of this locality and is generally believed to be an honest and conscientious official. Mr. Bonnett, the vice consul, on the other hand, does not bear this general good reputation. That Mr. Bonnett has made improper statements, and thus done his part in creating a wrong impression in this locality and in Mexico, as to the position of the Interior Department in its actions relative to this Indian matter is evident. That he has likewise made improper statements about Mr. Dickson and myself, without knowing or even attempting to ascertain from disinterested persons or from anyone other than Mr. Bentley or his confederates the real facts or the truthfulness of the statements he made, is also evident.

Whether or not Mr. Bonnett acted within his proper official capacity when he went to Muzquiz, Mexico, last year during the Dickson investigation and there interested himself in behalf of Mr. Bentley I do not know. But as an official of the United States Government, as was also Mr. Dickson, it seems to me that Mr. Bonnett might have taken the time to have thoroughly understood the position of the Interior Department before rendering the assistance he did render to Mr. Bentley. In doing what he did he officially opposed the interests of the United States, which interests were entitled to his assistance as against the interests of a single individual, the action of whom in the United States questioned as to their being proper. It is generally known that, following this Dickson investigation, both Mr. Dickson and myself were sued by Mr. Bentley in the sum of \$200,000. Some time after this, in January of this year, the plaintiff served notice of their intention to take depositions in the case at Eagle Pass, Tex., and at Muzquiz, Mexico. Myself and J. H. Woods (of Shawnee, Okla., attorney of Dickson and myself) appeared in person at the taking of depositions at both places above named.

At Eagle Pass the depositions were taken before W. A. Bonnett (a son of J. A. Bonnett aforesaid), and among the witnesses examined at Eagle Pass was Mr. J. A. Bonnett, the vice consul, who appeared at the request of Mr. Bentley, and as one of his witnesses. Later, when we went from Eagle Pass to Muzquiz, Mexico, to take further depositions in the case, it was arranged that the balance of the depositions should be taken before

J. A. Bonnett, vice consul, and I think that he (J. A. Bonnett) was appointed by the district judge of the third judicial district of Oklahoma, in some capacity, upon the request of plaintiff, to take the depositions in Mexico. At any rate, the depositions were taken before Mr. Bonnett at Muzquiz, and among other witnesses to appear for the plaintiff was the presidente of the Muzquiz municipality. When this witness was called Mr. Bonnett left the room where the depositions were being taken. I thought nothing of his leaving, as the taking of depositions had been temporarily suspended.

I had that day received a letter from Mr. Dickson inclosing a letter addressed to said presidente, with the request from Mr. Dickson that I present said letter to the presidente and ask him to appear as a witness for Mr. Dickson and myself. When the taking of depositions was suspended, as before stated, Mr. Woods and myself called at the office of the presidente to present Mr. Dickson's letter, this being after the plaintiff had announced the presidente as his next witness, and as we entered the office of the presidente we found Mr. J. A. Bonnett and the presidente standing near together, where the presidente had evidently come from his office chair to greet Mr. Bonnett. The presidente was reading a letter that from all appearances had just been handed him by Mr. Bonnett. Mr. Woods, Dickson, and myself were the defendants in this case and as such defendants we had a right to seek such evidence as would better their case; but, if Mr. Bonnett had given the presidente this letter in question in the interests of either plaintiff or defendant, he was doing a wrongful act, both as the person appointed to hear the evidence and as vice consul of the United States. The actions of Mr. Bonnett in this Bentley matter from the beginning to the present time tend to show that this letter was given to the presidente in the interests of Mr. Bentley.

A few days ago Mr. Russell Johnson and Doc Beaty called at the office of the vice consul (J. A. Bonnett) at Ciudad Porfirio Diaz, Mexico, they having come here from Oklahoma for the purpose of buying a part of the Kickapoo land in Oklahoma in the event that the restrictions were removed from said lands. These men called upon Mr. Bonnett (having heard that he was going to Muzquiz for the purpose of taking acknowledgments to Indian deeds) to ascertain if he would go to Muzquiz to take acknowledgments for all persons who were there to buy land or of any particular person or firm. From the question they first asked Mr. Bonnett he seemed to infer that they were friendly to Mr. Bentley, and stated that it would be impossible for him to go to Muzquiz for the reason that the consul, Mr. Martin, had gone away sick and left him in charge of the office. Mr. Bonnett stated, however, as these men inform me, that if Mr. Martin returned before the work at Muzquiz was done he (Bonnett) would go to Muzquiz.

Mr. Bonnett stated that he had just written Mr. Bentley a letter at Muzquiz, stating that he would probably not be able to go to Muzquiz, for the reason above stated, and referring him (Bentley) to a consular agent named M. Q. Marsh, of Sierra Mojada, Mexico, whom he advised Mr. Bentley to see and make arrangements for him to go to Muzquiz to take the acknowledgements to the Indian deeds. He (Mr. Bonnett) read parts of his letter to Mr. Bentley to Johnson and Beaty. I suggest that copies of Mr. Bonnett's correspondence with Mr. Bentley should be asked for, as well as the correspondence of Mr. Bentley to Mr. Bonnett or his office. I do not want to appear unduly active in this matter, but will state that, for my own protection, as well as the protection of Mr. Dickson, I will make affidavits to confirm what I have above said. The situation at Muzquiz is unchanged from what has heretofore been reported, excepting that I am informed that the other parties at Muzquiz (for the purpose of buying land) have for the time being secured the good will and assistance of the Mexican officials, thus turning Bentley down by installing into practice the methods originated and started by Mr. Bentley.

Just how these arrangements are made or what is done to bring them about is a question that Mr. Bentley and the other Oklahoma citizens, as well as the Mexican officials, should be required to answer. It is evident that no good will come to the Indians as the result of such arrangements. Now that it seems assured that the restrictions are to be removed from these Indians' land in the United States, it seems important to me that our Government should explicitly relieve itself of any further responsibility as to any of these Indians and see to it that Mexico now understands that if she receives these Indians now she is not to expect nor ask the United States to take them back or care for them in the event that she (Mexico) later finds them undesirable.

I have the honor to be, yours, very respectfully,

FRANK A. THACKERY,
Superintendent and Special Disbursing Agent.

[Telegram.]

EAGLE PASS, TEX., June 21, 1906.

COMMISSIONER INDIAN AFFAIRS,
Washington, D. C.:

Will leave here for Muzquiz, Coahuila, Mexico, next Saturday evening at 4 o'clock. Please wire me of final action on Indian bill, as many of the Indians wish to return to Shawnee immediately if bill does not pass, and they want me to arrange for their transportation. It will be a great mistake if these Indians are permitted to sell their lands to anybody under the pending Indian bill.

THACKERY, Superintendent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Eagle Pass, Tex., June 23, 1906.

Maj. C. F. LARRABEE,
Indian Office, Washington, D. C.

MY DEAR SIR: News reached here yesterday that President Roosevelt had signed the Indian bill, with the amendment removing the restrictions from the nonresident Kickapoo and other Indian lands.

Mr. Bentley's success in getting this legislation gives him a much increased influence over the Indians interested in the matter. Assistant United States Attorney Outcalt is investigating, as well as the citizens of Mexico who are most familiar with his dealings with these Indians. Thus it will be difficult and probably impossible to get testimony that would justify legal actions in behalf of the Indians direct. I mean that, as an instance, it would not seem advisable to start any action for the recovery of an allotment for an Indian unless the Indian himself be enough interested in the case to start and assist in the action. While the Indians directly interested in the "seven-allotment" legislation of last year freely admit that they received but very little for their land and did not know that they were selling the same, yet they do not want to be known in an action looking to the recovery of their land. It is evident that they have been led to believe that whatever the United States does in the matter would look to their forcible return (if necessary) to the United States to be followed by the stealing (as they state) of their children to be placed in school. In several instances and upon their urgent request I have started suits in the proper court in their behalf for the recovery of money from Mr. Bentley. In each of such cases they have later appeared at court and asked that the suits be dismissed. No doubt that Mr. Bentley had persuaded them to dismiss the cases, though they had faithfully promised that if I would start the actions they would not have the cases dismissed unless Mr. Bentley made full settlement with them, which they afterwards state he did not do.

Up to date I have not used half of the \$500 authorized in my assisting Mr. Outcalt in this investigation. I do not know what plans, if any, the commissioner may have as to further steps relative to the removal of United States Indians into Mexico, but I do know that the schemes for this purpose are well and deeply laid, and that if any steps are taken it should be as early as will be consistent. The connection (apparently unmistakable) of certain Mexican officials with this deal should receive notice. If it is intended to go into this matter of moving Indians to Mexico further I would suggest that my authority to assist Mr. Outcalt be so modified as to permit me to go over this matter with you personally. I have plenty of work to do at Shawnee and do not wish to go to Washington unless I can be of assistance in this matter.

Very respectfully,

FRANK A. THACKERY,
Superintendent and Special Disbursing Agent.

[Telegram.]

UNITED STATES INDIAN AGENCY,
Shawnee, Okla., July 31, 1906.

LEWIS C. GRIMES, Harrah, Okla.:

I am informed that plans are being perfected to take more Kickapoo Indians to Mexico. I have been appointed legal guardian of the adult Kickapoo Indians in

Oklahoma by the proper court, and as such guardian give warning to all parties that these Indians be not removed.

FRANK A. THACKERY,
Acting United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
UNITED STATES INDIAN AGENCY,
Shawnee, Okla., August 1, 1906.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to advise you that on the 23d day of July, 1906, the probate judge of this (Pottawatomie) county appointed me legal guardian of 44 adult members of the Mexican Kickapoo Indians of this agency who are now residing here and do not want to go to Mexico. Applications are now pending in Oklahoma County for 4 more similar appointments and in Lincoln County for 10 similar appointments. These appointments were made upon my own application after having consulted and secured the assistance of the United States attorney for this district. All sorts of schemes were being perfected for the removal of these Indians to Mexico in order that the purchase of their allotments at this agency might be consummated under the provisions of the act of Congress approved June 21, 1906. The Indians had repeatedly appealed to me to protect them, urging that they had no desire to remove to Mexico and wished to remain here on the land set aside for them by the United States Government. They stated that they did not understand neither the language, ways, nor laws of their white neighbors and that under the provision of the last Indian bill they were convinced that the Kickapoos now remaining here would be enticed off to Mexico, few at a time, until they would be left "paupers in the road" with no place to call a home.

After listening to a number of their councils and being convinced that they were in great earnest in their desire to remain on their Oklahoma allotments, I suggested to them that under existing conditions, and taking into consideration the fact that they were ignorant of the language, ways, and laws of the white men, that they were full-blood Indians and did not know the value of their Oklahoma lands, it might be that the probate judge would declare them incompetents. Asst. United States Attorney McKnight was sent here to arrange the matter, and after counseling with the Indians in his presence the petitions were filed. The United States attorney's office was held temporarily by Hon. John W. Scothorn. When the probate judge of this county understood the conditions, he gave the move his full assistance and appointed me in every case applied for. If the plan meets with your approval, I would be pleased if you would address a letter to Mr. Scothorn and Judge Maben (the former at Guthrie, Okla., and the latter at Tecumseh, Okla.), expressing your appreciation of their services in behalf of the Indians. I assure you that the step was taken solely as a matter of protection to the helpless and ignorant Indians, who otherwise would soon have been led off to Mexico under false promises of all kinds and their lands taken from them for a mere pittance. The expense of these appointments amounted to \$170.50 in Pottawatomie County, which amount I have paid from my personal funds. These Indians are poor and have no means of reimbursing me at this time. There was no time to refer the matter to your office before acting, as I was not aware of the full situation here until my return from Mexico, where I had been sent to assist in an investigation, and had I waited to refer the matter before acting it would have been too late to have received my appointment prior to the removal of some of the Indians. Kindly advise me if you have any fund from which I could be reimbursed the actual cost of these appointments. The cost was reduced to the lowest amount possible, the judge allowing us to appoint the members of any one family all on one application, thus making the cost of the family the same that it would ordinarily be in a single case. There were 31 cases in this county, at a cost of \$5.50 each. I inclose herewith my receipt for the same, which please return with your reply.

Very respectfully,

FRANK A. THACKERY,
Superintendent and Special Disbursing Agent.

List of cases where Frank A. Thackery was appointed guardian of incompetent Kickapoo Indians, showing the date of application for appointment and date of appointment.

POTTAWATOMIE COUNTY.

	Petition for appointment filed.	Appointment made.
Peah-twyh-tuck.....	July 13, 1906	July 23, 1906
We-sko-peth-o-que.....	do.....	Do.
Ah-ko-the.....	do.....	Do.
Wah-ne-ma-quah.....	do.....	Do.
Mah-she-nah.....	do.....	Do.
Mush-sho-qua-to-quah.....	do.....	Do.
Wah-tah-tah.....	do.....	Do.
Kah-ka-nah-che-kah.....	do.....	Do.
Kah-ke-ne-peah.....	do.....	Do.
Pe-nee-she.....	do.....	Do.
Men-ah-pe.....	do.....	Do.
Medk-ke-kah.....	do.....	Do.
Ah-na-tho-the.....	do.....	Do.
Sho-e-nah-quah.....	do.....	Do.
Ma-ko-the-wuah.....	do.....	Do.
Ma-nah-the-quah-qua-ah.....	do.....	Do.
Wah-sha-ko-skuch.....	do.....	Do.
Ah-na-tho-huck.....	do.....	Do.
Me-na-mesh.....	do.....	Do.
Shah-kah-tah.....	do.....	Do.
Much-e-nen-e.....	do.....	Do.
Mut-twa-ah-quah.....	July 16, 1906	Do.
Me-nah-quah.....	do.....	Do.
Mesh-ah-quot.....	do.....	Do.
Pah-ke-che-moke.....	July 16, 1906	July 23, 1906
Ki-yah-squah.....	do.....	Do.
Wah-nah-ke-tha.....	do.....	Do.
Py-o-tho.....	do.....	Do.
Pe-ke-to-no-quah.....	do.....	Do.
Wah-pah-pen-neah.....	do.....	Do.
Ke-ke-e-quah.....	do.....	Do.
Quen-nep-pe-that.....	do.....	Do.
Wah-que-tah-no-quah.....	do.....	Do.
Kish-ke-ton.....	do.....	Do.
Ko-ke-kah-huck.....	do.....	Do.
Pen-me-pah-hone-wah.....	do.....	Do.
Ne-pah-hah.....	do.....	Do.
Pen-e-thah-ah-quah.....	do.....	Do.
Nah-she-pe-eth.....	do.....	Do.
Wah-pe-pah.....	do.....	Do.
Wah-ko-nah-ka-ka.....	do.....	Do.
Kish-ke-ton-o-quah.....	July 18, 1906	Do.
Mah-mah-tome-ah.....	do.....	Do.
She-pah-tho-quah.....	July 13, 1906	Do.
	July 16, 1906	Do.

LINCOLN COUNTY.

Peah-mow-ske.....	Aug. 13, 1906	Oct. 4, 1906
Wah-pah-nah-pe-quah.....	do.....	Do.
Pah-nah-ka-quah.....	do.....	Do.
Ta-pah-she.....	do.....	Do.
Ah-kah-tah-she-ma.....	do.....	Do.
Pen-ne-ah-kah-qua.....	do.....	Do.
Mi-e-nah.....	do.....	Do.
Ke-ma-si-quah.....	do.....	Do.
Pem-ma-ho-ke.....	do.....	Do.
Ma-ko-the-quah.....	do.....	Do.

UNITED STATES INDIAN AGENCY,
Shawnee, Okla., December 17, 1906.

Hon. JOHN EMBRY,
United States Attorney, Guthrie, Okla.

DEAR SIR: I have your telegram of the 15th instant, which reads as follows: "Cause everyone inducing Kickapoos to leave to be arrested under latter part section 2113, Revised Statutes. Make separate arrest for each Indian."

Prior to the receipt of this telegram I had talked the matter of preventing these Indians from being taken away by prospective purchasers of their allotments over with United States Commissioner W. R. Asher, and also with Probate Judge Maben.

The latter advised me that, if I would present an action in proper form asking for an injunction, he would grant same. I immediately employed the law firm of Pendleton, Abernathy & Howell to prepare the petition, and I inclose herewith copies of both the petition and the injunction order, which are self-explanatory.

Immediately upon receipt of your telegram I went before United States Commissioner W. R. Asher, at Tecumseh, Okla., and made complaints against Martin J. Bentley, L. C. Grimes, R. C. Conine, and George Kishketon. Warrants for the arrest of these parties were issued without delay by Mr. Asher and were at once turned over to Deputy United States Marshal J. P. Jones, who just advises me by phone that they have been served in each case, excepting that of R. C. Conine.

In the case of Mr. Bentley he is charged with alienating, etc., Ne pah had, Mexican Kickapoo allottee No. 244, who was allotted the N. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ of sec. 12, T. 10 N., R. 3 E. On July 26, 1906, the probate court of Pottawatomie County, this Territory, declared her incompetent and appointed me as the legal guardian of her person and estate. Subsequently (about one month ago) she left this county and Territory for Mexico and, upon her arrival at Eagle Pass, Tex., is purported to have executed a deed in favor of one Ida B. Bentley and W. W. Ives, conveying the above-described allotment to them for a purported consideration of \$2,000. This deed is dated November 20, 1906, and is purported to have been acknowledged before A. W. Bonnett, a notary public of Maverick County, Tex. I have been told by the Indians that Mr. Bentley purchased the ticket for this woman and accompanied her to Mexico just prior to the date of the aforesaid deed.

In the case of R. C. Conine, he is charged with alienating, etc., one Py-a-tho, Mexican Kickapoo allottee No. 232, who was also, on July 23, 1906, declared an incompetent by the probate court of Pottawatomie County, this Territory, and I was likewise appointed as the legal guardian of her person and estate. Her allotment is the W. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ of sec. 10, T. 10 N., R. 3 E., and is easily worth \$3,000. I think it can be established that she accompanied R. C. Conine from this vicinity to Eagle Pass, Tex., where she is purported to have executed a deed in favor of said R. C. Conine on November 24, 1906, for a consideration of \$1,000. The records show that this deed was acknowledged before T. J. Murray, of Maverick County, Tex. The deed is also signed by An-nah-no-tha, purported to be the husband of said Py-a-tho. It is reported to me that Mr. Conine had this woman and man lawfully married while in Eagle Pass, Tex., but that neither the man nor the woman knew nor understood what was taking place during the marriage ceremony. The husband has always been a resident of Mexico, and the marriage is believed to have been arranged for by Mr. Conine for the purpose of establishing, as he thought, the legal residence of said Py-a-tho in the Republic of Mexico in order that she might convey her land under the act of June 21, 1906. This woman Py-a-tho also has an interest in the allotment of her deceased father, Mah-sko-ta-a-tah, Mexican Kickapoo allottee No. 231, who was allotted the E. $\frac{1}{2}$ of the SE. $\frac{1}{4}$ of sec. 10, T. 10 N., R. 3 E.

The heirs of said allottee had petitioned me to advertise said allotment for sale in accordance with the rules of the Interior Department. Their petition had been granted, and the bids for this allotment were opened by me on December 1, 1906, at which time the highest bid received was that of A. J. Perkins, of Shawnee, Okla., at \$3,330. Mr. Conine (as shown by the records at the register of deeds in this county) has taken a deed for a one-third interest in said land from said Py-a-tho and her purported husband for a consideration of \$300. This deed is dated November 12, 1906, and is acknowledged before T. J. Murray, of Maverick County, Tex. It would appear that in the taking of this latter deed by Mr. Conine it may have been his object to discourage anybody bidding upon this allotment as advertised through this office. I am of the opinion, however, with reference to the connection of Mr. Conine in this whole matter, that he is acting with and upon the advice of L. C. Grimes. It will be remembered that this Mr. Conine is the same man who was employed as a Spanish interpreter by Assistant United States Attorney George A. Outcalt while making his recent investigation of Kickapoo matters in Mexico. He has since been actively connected with prospective buyers of the Kickapoo allotments under the act of June 21, 1906.

Mr. Grimes and George Kishketon are charged with having alienated, etc., Men-ah-pe, who has not as yet left this county for Mexico. In this case, I would state that three Kickapoo Indians called at my residence very soon after daylight on last Sunday morning (the 16th instant) and advised me that the above-named woman, Men-ah-pe, had been forcibly taken from camp by George Kishketon and Mack Johnson, two Kickapoo Indians (both of whom are believed to be employed by and working under the direction of L. C. Grimes). Said Men-ah-pe is purported to have been held under lock and key at some rooming house in Shawnee during the greater part of Saturday night (the 15th instant), and there is but little doubt but that the intention

was to take her to Mexico on the morning train of the Missouri, Kansas & Texas Railway, leaving Shawnee at 9 o'clock a. m. The warrant for the arrest of Mr. Grimes having been served late Saturday evening, this woman was released and returned to camp sometime prior to daylight of Sunday morning.

In connection with this whole matter, please advise me if, in your opinion, an action could be sustained under article 3—Kidnapping—of the session laws of Oklahoma, 1901, which reads as follows:

"Every person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, for the purpose of extorting any money, property, or thing of value or advantage from the person so seized, confined, inveigled, or kidnapped, or any other person, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the Territorial prison not less than ten years."

As stated to you over the phone, these Indians do not want to go to Mexico and will not go unless they are inveigled and scared into it. They are simple-minded and have no self-reliance, and have but little, if any, conception of the value of their property.

I shall be pleased to take any further action you may suggest in this matter and to render any possible assistance in an earnest effort to prevent these Indians from being fleeced of their property. Unless some decisive action is taken at this time in their behalf these Indians will soon be paupers upon this community, dependent upon the citizens thereof.

Very respectfully,

F. A. THACKERY,
Superintendent and Special Disbursing Agent.

[Telegram.]

OKLAHOMA CITY, OKLA., *January 31, 1907.*

COMMISSIONER INDIAN AFFAIRS, *Washington, D. C.:*

Press dispatches report provision in Indian bill directing Attorney General to investigate Kickapoo land sales in Mexico. If that provision is finally adopted it should be made to cover all purported sales by Kickapoos under act of June 21 last. All sales to Bentley are said to have been made in United States, while sales to other parties were mostly made in Mexico.

THACKERY, *Superintendent.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
U. S. INDIAN AGENCY,
Shawnee, Okla., February 1, 1907.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Confirming my telegram of last evening sent you from Oklahoma City, Okla.; which read as follows:

"Press dispatches report provision in Indian bill directing Attorney General to investigate Kickapoo land sales in Mexico. If this provision is finally adopted it should be made to cover all purported sales by Kickapoos under act of June 21 last. All sales to Bentley are said to have been made in United States, while sales to other parties were mostly made in Mexico. (Signed) Thackery, Superintendent."

I now have the honor to inclose herewith pages 1 and 2 of the Daily Oklahoman of January 31, 1907, in which will be found press dispatch referred to, wherein the following statement appears:

"The Attorney General of the United States is directed to investigate conveyances purporting to have been executed in Mexico of lands in Oklahoma and found to have been procured by fraud, to begin proceedings to have them set aside. He is also instructed to prosecute parties to the frauds, if any were committed."

I am very glad indeed to have this whole matter investigated and hope that the investigation, if made, will be placed in thoroughly reliable hands and that it will be thorough. My reason for telegraphing you as above was that, in case the wording of the provision above quoted is correctly given in the newspaper dispatches it would seem not to require an investigation of the purported purchases by Mr. Martin. Bentley and his friends, most of which were made in the United States at Eagle Pass, Tex.

I also inclose a press dispatch clipping from a Kansas City daily paper of January 28, 1907, in which the following sentence appears in the last clause thereof:

"It is stated that these disclosures involve certain officials of the Interior Department."

I will be glad to have my whole connection with this matter thoroughly gone into. However, if any hearings are to be given in the matter before the Senate or House Committee on Indian Affairs, in which I am officially involved, I deem it only a matter of justice that I should be ordered before the committee.

Very respectfully,

FRANK A. THACKERY,

Superintendent and Special Disbursing Agent.

The CHAIRMAN. Now, did you advise that that legislation be not passed, or that the bill be vetoed?

Mr. THACKERY. Yes, sir; because I believed, from what I had seen there before the bill became a law, that the Indians would suffer no matter who controlled them.

The CHAIRMAN. Did you have anything to do with the framing of that legislation?

Mr. THACKERY. None whatever.

The CHAIRMAN. Did you approve of it?

Mr. THACKERY. No, sir.

The CHAIRMAN. Why?

Mr. THACKERY. Because the interests of the Indians were not properly safeguarded.

The CHAIRMAN. It appears that the object of the act was to remove the restrictions so that the Indians might dispose of their property at will. The court afterwards held that that could not be done without the approval of the Secretary of the Interior, that the language of the act was insufficient to permit it to be done without approval.

Mr. THACKERY. Yes, sir; that is right.

The CHAIRMAN. Were you at Eagle Pass when Mr. Outcalt was down in Muzquiz?

Mr. THACKERY. Yes; part of the time.

The CHAIRMAN. Did you know of his being there?

Mr. THACKERY. Yes, sir; I went to Mexico with him.

The CHAIRMAN. Do you know how he came to go there?

Mr. THACKERY. He went, by direction of the Attorney General, to get further evidence as to those seven allotments—the deeds to the seven allotments.

The CHAIRMAN. Do you know whether or not he was there while these Indians were alleged to have been coerced into signing deeds?

Mr. THACKERY. He was there.

The CHAIRMAN. Did you learn of his presence there and his alleged participation in those transactions at that time?

Mr. THACKERY. I learned of it when the subcommittee made the investigation.

The CHAIRMAN. But not before?

Mr. THACKERY. I knew that Bentley had claimed that he had assisted these other fellows, but I never knew the details of it until the matter was under investigation by the subcommittee.

The CHAIRMAN. Do you know Mr. Field?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you know what his relationship has been to Mr. Bentley, whether that of an intimate or otherwise?

Mr. THACKERY. I should say that it has been very intimate.

The CHAIRMAN. For how long?

Mr. THACKERY. Ever since I have known them; since 1901.

The CHAIRMAN. Have they had many transactions together?

Mr. THACKERY. Well, whenever any Kickapoo business has come up of any importance they have always showed up together there in Oklahoma.

The CHAIRMAN. Do you know whether or not Mr. Field is the authorized attorney for the Kickapoo Indians, or any of them?

Mr. THACKERY. There is some of the faction in Mexico, I have heard say, that at one time asked him to represent them, but he has never been so recognized by the authorities of the Government. I think if he is their attorney it would be necessary for them to have an approved contract.

The CHAIRMAN. He did not claim—if I am correctly informed—to represent the Oklahoma Kickapoos, that branch of them that stayed with you, did he, as attorney?

Mr. THACKERY. I do not know. My understanding has been that he claimed to have some sort of agreement, verbal or otherwise, to represent all of the Mexican Kickapoos.

The CHAIRMAN. Do you know of the International Trust Co., of Delaware?

Mr. THACKERY. I have seen some of the papers of that organization.

The CHAIRMAN. Do you know Mr. John W. Field, the son of W. S. Field?

Mr. THACKERY. I do not think I have ever met him.

The CHAIRMAN. Were you in Shawnee at the time that corporation was organized to do business in Oklahoma City?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you know anything about the extent of its operation or business?

Mr. THACKERY. I do not. I know only what the evidence shows here, that they received \$17,500.

The CHAIRMAN. Mr. Field stated that the company was organized at his suggestion, for two purposes, if I remember correctly. The first was to administer on estates in Oklahoma and the second was to receive this \$17,000, being the balance of the trust fund, or approximately the balance, in the hands of Mr. Bentley at the time Mr. Bentley resigned as trustee.

Do you know O. A. Mitscher?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. He was interested in that International Trust Co.?

Mr. THACKERY. Yes, sir; one of the officers.

The CHAIRMAN. He is treasurer of the Mexican Kickapoo Community Co.?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you know Mr. Gostin?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What was his relationship to the International Trust Co., and what are his connections with the Mexican Kickapoo Community Co.?

Mr. THACKERY. I do not know whether he was mentioned in the International Trust Co. or not. Not that I know of. But he is, I

think, secretary of the Kickapoo Trust Co. at Douglas—the Community Co., or whatever they call it.

The CHAIRMAN. The Mexican Kickapoo Community (Inc.). Who is the president of that corporation?

Mr. BENTLEY. Okemah, I understand.

The CHAIRMAN. Do you know?

Mr. THACKERY. Okemah. We have a certified copy of their——

The CHAIRMAN. Their articles of incorporation? Will you let me see it? Have you a list of the stockholders?

Mr. THACKERY (handing papers to the chairman). I have not looked it over carefully, but I think it shows the stockholders.

The CHAIRMAN. When did you get that?

Mr. THACKERY. Gen. Scott got the one I have when he was in Douglas.

The CHAIRMAN. Is it authenticated?

Mr. THACKERY. Yes, sir.

Representative STEPHENS. Where is it incorporated?

Mr. THACKERY. In Douglas, Ariz.

The CHAIRMAN. I was not talking about the Mexican Kickapoo Community Co.; I referred to the International Trust Co.

Mr. THACKERY. No; I have not a copy of that. I have seen a copy of it, but it was three or four years ago.

The CHAIRMAN. Do you have any interest in the Mexican Kickapoo Community Co.?

Mr. THACKERY. No, sir; none whatever.

The CHAIRMAN. Or are you in any wise connected with its organization or management?

Mr. THACKERY. No, sir.

Senator LANE. Didn't you keep a book of accounts showing your guardianship expenditures?

Mr. THACKERY. That was not kept officially.

Senator LANE. I know, but didn't you keep a blotter or ledger account?

Mr. THACKERY. It is kept in a sort of ledger; yes, sir.

Senator LANE. It does not show here.

Mr. THACKERY. No; that is the trustee account only.

Senator LANE. It is marked on the outside, "Trustee and guardian. Department of the Interior. U. S. Indian Service."

Mr. THACKERY. It does not contain the guardian accounts.

Senator LANE. I know it does not. How much money did you take over altogether as guardian?

Mr. THACKERY. I could not tell you without figuring it up.

Senator LANE. Haven't you some idea?

Mr. THACKERY. \$100,000—I could run through there and do it.

Senator LANE. I thought perhaps you would know. When was this \$101,000 turned over to you as trustee?

Mr. THACKERY. It was some time the latter part of May, 1908.

Senator LANE. I notice that quite a number of these accounts begin in July, 1908, and they close in November, December, and October, in the same year, running only three or four months.

Mr. THACKERY. Yes, sir; that is no doubt true with some of them.

Senator LANE. Now, I notice in all of them that there are blank charges without any explanation whatever of what the money is expended for.

Mr. THACKERY. That is true. The check, as I explained, was drawn to the Indian himself, payable to his or her order, and they indorsed the check. I did that to relieve myself of responsibility as trustee.

Senator LANE. What attracted my attention to it was your statement that these people were incompetent.

Mr. THACKERY. Well, I have also explained that I did whatever I could do, with what little authority I had under that law, to guide the use of the money for proper purposes.

Senator LANE. It does not show here what it was expended for, whether they were proper or improper; not one single indication of what the money was expended for. Did you keep no accounting of that? For instance, if he bought a horse, would you not indorse on the check "To pay for a horse," and then make an entry to that effect in your book?

Mr. THACKERY. I think I made some notation on many of the stubs of the checks.

Senator LANE. Why did you not make it in the book here so it would show without looking over all the individual checks?

Mr. THACKERY. You must remember that this work was additional to the regular office work which I had, without any additional clerical force.

Senator LANE. I know, but you accepted the responsibility?

Mr. THACKERY. Yes, sir; I did.

Senator LANE. You took the money and accepted the responsibility to render a full and complete account?

Mr. THACKERY. Yes, sir.

Senator LANE. Without bond?

Mr. THACKERY. Yes, sir.

Senator LANE. And, consequently, your accounts should be checked very closely and accurately for that reason. Now, there is not one statement here or explanation that I find anywhere of what this money has gone for.

Mr. THACKERY. I can furnish you with a statement of a very large part of it.

Senator LANE. You may, yes; but this is all you are presenting here now?

Mr. THACKERY. That is all I am presenting. That book shows the date, the number, and the amount of every check I paid. I have the canceled checks, which may give a little additional information, and I can produce the stubs, upon some of which at least are notations as to the purpose for which the check was drawn.

Senator TOWNSEND. Who drew the money on the checks?

Mr. THACKERY. The Indians.

Senator TOWNSEND. Did you spend the money for the things the Indians bought?

Mr. THACKERY. No, sir; they bought it themselves. I gave them the money for certain purposes. In most cases I had some idea of what they were going to use the money for. They would come and say, as I have explained, that they would want to buy a team of horses. I would advise them to go and bring the team there with the man who wanted to sell it. We would look it over, and if we made an agreement, I would give the Indian a check.

Senator TOWNSEND. Did you follow the horses after that to know what he did with them?

Mr. THACKERY. As nearly as we could; yes.

Senator LANE. Here is an account, the account of Wah-nah-ke-tha, page 24. "By check to self," running from July 9 to November 14—the money is all gone.

Senator TOWNSEND. Whom do you mean by "self"? Were the checks drawn to yourself or to the Indians?

Mr. THACKERY. To the Indian in every case.

Senator LANE. He gave the Indian the check. And in 4 months here an incompetent has used up \$1,198, without a scratch of the pen to show what it was spent for.

(The witness here made a further informal explanation of certain entries.)

Senator LANE. Now, this book was submitted to whom?

Mr. THACKERY. It has not been submitted to anybody.

Senator LANE. Has anybody checked this over?

Mr. THACKERY. Nobody but myself?

Senator LANE. The account has been accepted by somebody. You have not made any report on it?

Mr. THACKERY. Never; except the cases where I am guardian and the court has gone over it.

Senator LANE. These expenditures in here have never been checked by anyone?

Mr. THACKERY. No, sir; except in the guardianship cases.

Senator LANE. Nor have they been approved?

Mr. THACKERY. No, sir.

Senator LANE. These are not guardianship cases in here?

Mr. THACKERY. Some of them.

Senator LANE. I thought you said the guardianship cases were not in here.

Mr. THACKERY. They are not; but what I am saying is that in every case where I was guardian I transcribed that into my guardian account.

Senator LANE. Nor is there any memorandum anywhere of what the money has been expended for.

Mr. THACKERY. Well, I say I have a memorandum—I can prepare one.

Senator LANE. But there is not in this book in which you kept the account of the trust fund, and the other you will have to hunt here, there, and yonder for.

Mr. THACKERY. Some of it is on the check stubs.

Senator LANE. And some of it is not. How much of it is on the check stubs?

Mr. THACKERY. I could not tell you without checking it through.

Senator LANE. Half of it?

Mr. THACKERY. I think more than that.

Senator LANE. And was that your method of keeping the accounts of this \$101,000 fund—on the stubs of your checks?

Mr. THACKERY. No, sir; my method was to take it up officially under a bond and account for it.

Senator LANE. But you did not give a bond.

Mr. THACKERY. I did not, because the act was so worded as to make it impossible.

Senator LANE. And you have made no accounting for it, and all you have to show is your notations made upon some checks?

Mr. THACKERY. No, sir; I have every canceled check with the indorsement of the Indian to whom the money was paid on the back of the check.

Senator LANE. I never saw accounts kept that way before.

Representative STEPHENS. About how many guardianship cases did you have in the courts?

Mr. THACKERY. Of that 82 there were probably 60.

Representative STEPHENS. That would leave 22 then that got the money outside of the probate courts?

Mr. THACKERY. Yes, sir.

Representative STEPHENS. Now, when you went to the probate court did they require you to give bond there?

Mr. THACKERY. Yes, sir.

Representative STEPHENS. And then when you made your final settlement did you get a release from the court?

Mr. THACKERY. The court approved the accounts when I made my final report. It is, of course, all in the probate court record.

Representative STEPHENS. Then there are no cases open in the probate courts between yourself as guardian and your wards?

Mr. THACKERY. No, sir; they are all closed.

Senator LANE. Didn't you know that when you kept your accounts that way without a more careful system of bookkeeping you made yourself liable to be accused of having misused these funds, and that for your own protection it was necessary for you to keep a more complete set of books?

Mr. THACKERY. As I have said, Senator, I have practically every check that I issued bearing the indorsement of the Indian; and if there is any question about what those checks were for it is very easy to take the check and trace it down, and if there is anything wrong to locate it by means of these checks—the check itself, when you make a payment, is the best possible evidence.

Senator TOWNSEND. You never accounted, as I understood you, to the Government for that money? You gave a receipt for \$101,000?

Mr. THACKERY. I did not give any receipt, excepting my indorsement on the warrant.

Senator TOWNSEND. Then you were to spend this as directed by those 82 Indians?

Mr. THACKERY. Yes, sir.

Senator TOWNSEND. Did you ever make an accounting to them? To the 82 Indians?

Mr. THACKERY. I have gone over these separate accounts with the different Indians.

Senator TOWNSEND. But never with the tribe in council?

Mr. THACKERY. No, sir.

Senator TOWNSEND. So that, while you were directed to spend this as those 82 Indians authorized you to do, you never made any accounting to them?

Mr. THACKERY. They met in council and authorized me to divide it pro rata, by the council proceedings which will you find in the back. I did divide it up according to that council proceeding. Then I did account to each individual Indian for the amount so divided up.

Senator TOWNSEND. Has there been any complaint of any one of those Indians that you did not settle properly?

Mr. THACKERY. No, sir.

Senator LANE. Did you make a final statement with each Indian when you quit?

Mr. THACKERY. No, not in writing. We went over all the accounts.

Senator LANE. You did not take a release from him?

Mr. THACKERY. His check is a receipt.

Senator LANE. I mean a final closing up?

Mr. THACKERY. No, sir; I have no receipt excepting his check.

Senator LANE. You did not submit him a final statement?

Mr. THACKERY. No, sir.

Senator TOWNSEND. Was any one of these checks ever questioned. That is, did any one of the Indians deny that he had received money from you?

Mr. THACKERY. No, sir; in no case at all. There is one case where there was one of the men died, one of the persons receiving part of this money. His wife afterwards came in to see me and wanted to know if he had received all of the money before he died. That is the only case where there was any question raised at all. And when she went over the account and it was explained to her she was, as far as I know, entirely satisfied.

Senator TOWNSEND. That leads to the question I was just going to ask. Did any of these Indians die—you said there was one. Did more than one die before the settlement was made?

Mr. THACKERY. I do not think any of them died before the settlement was made. I do not remember the names, but there are several of them that have died since then. There is one case there—the case of John Snake. I paid out the small end of his account after he was too sick to sign a check.

Senator TOWNSEND. Now, I wish you would explain what you meant by saying that you were having trouble over the Mexican situation during the time you were agent at Shawnee? Did I understand you to say that?

Mr. THACKERY. I said, in answer to a question by the Chairman as to the farming activities of these Indians, that during all of the agitation growing out of these various acts of Congress they were in a state of turmoil, and they did not settle down and farm as well as they might have done had that agitation not existed.

Senator TOWNSEND. What agitation do you refer to?

Mr. THACKERY. Well, there was this agitation about their leaving Oklahoma and going to Mexico. They were unsettled; they were going back and forth, spending money for railroad tickets and traveling expenses, which they might otherwise spent in improving a home had this agitation not existed.

Senator TOWNSEND. You have been to Mexico several times?

Mr. THACKERY. Yes, sir.

Senator TOWNSEND. How does the condition of the Kickapoo Indians in Mexico compare with the condition of those in Oklahoma?

Mr. THACKERY. I think the Oklahoma Indians are in better financial condition and no worse physical condition.

Senator TOWNSEND. Are the Oklahoma Indians contented?

Mr. THACKERY. Apparently; yes. Since this matter has settled down the last three or four years, they have been farming better than ever before.

Senator TOWNSEND. Were you active in trying to prevent their going into Mexico?

Mr. THACKERY. I advised them not to go. I told them when they pressed the question that under any law I knew of they had a right to go if they wanted to, but I thought it was the wrong method and advised them to stop.

Senator TOWNSEND. Did they have confidence in your advice?

Mr. THACKERY. They did finally and they have now. They did not the first two or three years after I took charge at Shawnee.

Senator TOWNSEND. You testified fully before the whole Senate Committee on Indian Affairs, did you not?

Mr. THACKERY. It is hard to say what you would call fully on a matter which has lasted some 12 or 15 years. It would take two or three weeks to tell it all.

Senator TOWNSEND. Were you in Mexico the time this special senatorial committee visited there?

Mr. THACKERY. No, sir; I did not see anything of the committee until they came to Shawnee. They were there two days, I guess.

Senator TOWNSEND. Who were there?

Mr. THACKERY. Senator Curtis, Senator La Follette, Mr. Field, Mr. Bentley, and Mr. Hannan.

Senator TOWNSEND. Who is that?

Mr. THACKERY. Senator La Follette's secretary. Then there were two or three stenographers. Mr. Galt was one of them, and a Mr. Northrup with Senator Teller, I believe. There might have been one or two others.

Senator TOWNSEND. Did you know that there were some of these "land sharks," as some have called them, down in Mexico trying to get deeds for the Oklahoma property from the Mexican Kickapoos?

Mr. THACKERY. In 1906?

Senator TOWNSEND. At any time.

Mr. THACKERY. Yes, sir; I knew they were there in 1906.

Senator TOWNSEND. Do you say now that it was your understanding that they were there to defraud the Indians out of their land?

Mr. THACKERY. Well, of course, I believed at that time that the Indians were going to get very much the worst of the deal. Under that act they were going to buy the land as cheaply as they could get it. I did not know at that time that they were going to resort to the measures which it finally appeared they did resort to, but I felt sure from what I had seen the few days I was there that the Indian would come up minus any land or any money. And I laid that matter fully before the department in many telegrams and letters.

Senator TOWNSEND. You thought it was a sort of strife between Bentley, Field & Co. on one side and the other fellows on the other side, to get the Indians' land?

Mr. THACKERY. Yes, sir. I did not think the Indians would have proper treatment at the hands of either faction.

Senator TOWNSEND. And you reported these things to the department?

Mr. THACKERY. I did. And immediately following the passage of that act of 1906 I returned to Oklahoma and took these Indians, as I have stated, before the court. The court declared them incompetent, and I was appointed their guardian to prevent their being

removed to Mexico where the deeds would be taken on their land as well as those then in Mexico.

Senator TOWNSEND. Are you satisfied that Bentley and those people did actually defraud the Indians who did go to Mexico out of any of their property?

Mr. THACKERY. There is no question in my mind about their defrauding them out of the funds which they have held. I do not think it is even properly accounted for.

Senator TOWNSEND. Do you have any specific instance in mind that leads you to make that statement?

Mr. THACKERY. Yes, sir; there are several items in that account that Senator Robinson examined Mr. Bentley on the other evening.

Senator TOWNSEND (handing a paper to the witness). Here they are. I think those are copies of his account.

Mr. BENTLEY. If the Senator will permit me, that is not my account at all. That is simply various items made up and submitted to the Senate committee, asking reimbursement. My account is a totally different instrument from that. That is my expenditures and disbursements.

Senator TOWNSEND. Have you your account?

Mr. BENTLEY. Yes, sir.

Senator TOWNSEND. Just hand him that.

Mr. BENTLEY. I was testifying in relation to those items, it is true, but that is not my account rendered of the Kickapoo money.

Mr. THACKERY. This is sworn to.

Mr. BENTLEY (exhibiting a paper). This is my account.

Senator TOWNSEND. What is that sworn statement that you testified about the other night?

Mr. BENTLEY. That is the sums that I disbursed in the protection of myself and the Indians during the time we were being interfered with and being persecuted and prosecuted in Mexico and elsewhere.

Senator TOWNSEND. Very well. Mr. Thackery, do you know anything about those items that he swore to that leads you to make the statement that a proper accounting was not made?

Mr. THACKERY. Well, in that connection, I will say that the first item, various expenses, the total of which is \$475, being the alleged expenses growing out of the attachment against Pah-ko-tah, the Kickapoo Indian—I would ask permission to get a certified copy of their court record in Oklahoma in connection with that case, and submit it to the committee to compare with this account. I have every reason to believe that no such amount was expended.

Mr. BENTLEY. If you will let me interrupt you—

Mr. THACKERY. The next item is, "Expenses caused by various indictments of myself and John Williams." That is the same case, and amounts to an additional \$2,825. The court records in those cases will show everything, I think, unless it would be the attorney's fees. I would like to get an authenticated transcript of the court record in those cases and submit it to the committee for comparison.

Mr. BENTLEY. Mr. Thackery, please let me interrupt. Do you mean to say that the court record would show the number of witnesses I brought? These witnesses were in Mexico. They did not subpoena my witnesses. There is no record to show how many witnesses I brought, or anything about it. It only says what the United States did. I was the defendant in all those cases.

Mr. THACKERY. I tried, Mr. Bentley, when you were testifying to this to get you to name the witnesses. The fact is here that the Government brought most of those witnesses.

Mr. BENTLEY. The Government never brought any of my witnesses at any time.

Mr. THACKERY. This is what I mean by that. I was present at the trial, and I know what Indians testified—

Mr. BENTLEY. There never was any trial in the Pah-ko-tah case. We kept coming, term after term of court. Had we not been there they would have forfeited our bond, and when were there ready for trial they would not try us.

Mr. THACKERY. There are a lot of cases here where there was a trial and where the witnesses were brought, and I believe if you would name the witnesses—

Mr. BENTLEY. I would not attempt at this time. Here are 15 or 20 witnesses or more—

Mr. THACKERY. There was the Kah-kah-to the-quah trial.

Mr. BENTLEY. Yes.

Mr. THACKERY. Did you pay the expenses or did the Government?

Mr. BENTLEY. I paid every dollar.

Mr. THACKERY. Name the witnesses.

Mr. BENTLEY. I won't attempt to do that off-handed—

Senator TOWNSEND. Now, can't you find out? You say "off-hand." Suppose we take one case here. If this thing is right, it can be established, and if it is wrong, this committee has the means for finding it out.

Mr. BENTLEY. Surely, I want to do that.

Senator TOWNSEND. Now, can you by taking time think who your witnesses were at that particular trial?

Mr. BENTLEY. By taking time—by returning to where my papers are I can give nearly every one of those cases. Probably I have many of the canceled checks.

Senator TOWNSEND. Why can you not get your papers here? Is it not cheaper to get your papers here than to go where your papers are?

Mr. BENTLEY. At this time it is impossible for me to get them unless I go home for them or Mrs. Bentley goes. Our home is broken up and Mrs. Bentley has moved to another place. Our original home is vacant. Part of our effects are there. To bring all my papers here—it would be a wagonload of them. It would take a trunk to bring them here. It is a great desk full of papers that pertain to various stages of this thing.

Senator TOWNSEND. Have you anything else to suggest, Mr. Thackery?

Mr. THACKERY. An item in the account of Mr. Field, dated October 10, 1911, reading: "Oklahoma supplies for Indians and expenses visiting Douglas, Ariz., to complete settlement, \$800."

Superintendent Buntin, who is present, and myself were present at this particular meeting in Douglas, and we went with Mr. Field from Douglas into the Kickapoo camp near Bacerac, and came back out with the Indians, and Mr. Buntin has a Government voucher where he paid for their camping ground and paid for the meals which those Indians ate on that trip.

Mr. BENTLEY. Now, of course, that has nothing to do with my account.

Mr. THACKERY. They asked about Mr. Field and Mr. Bentley.

Mr. BENTLEY. I want it understood he is testifying about what Mr. Field did. I was not there. I made no claim or charge. I don't know anything about those things.

Mr. THACKERY. Superintendent Buntin, as the agent of the Government, paid their expense that was necessarily incurred by the Indians who came up at this particular time.

Senator TOWNSEND. Is that in Mr. Bentley's account?

Mr. THACKERY. This is Mr. Field's account.

Senator TOWNSEND. We have not had Mr. Field.

Mr. THACKERY. You asked, if I understood you, as to Field and Bentley.

Representative BURKE. It is included in that statement, is it not?

Mr. BENTLEY. Do you mean to say that Mr. Buntin subsisted those Indians up there and provided them with subsistence to return?

Mr. THACKERY. He has vouchers showing it.

Mr. BENTLEY. He bought a few dollars' worth of groceries at Douglas. It was a mere trifle that he paid, according to what the Indians told me.

Mr. THACKERY. You think he paid more than \$800?

Mr. BENTLEY. I think that is a very large sum to have been paid on that occasion. I am not contending that that was not paid, but I think the sum paid by the Government at that time was a mere trifle, and I would like to have the record of that expenditure by the Government shown.

Mr. THACKERY. Have you that with you, Mr. Buntin?

(The voucher referred to was subsequently submitted by Mr. Buntin, and is as follows:)

[Copy.]

Voucher No.

Department of the Interior
U. S. Indian Service
Form approved by Comptroller of the
Treasury October 30, 1907.

5-335 b

VOUCHER OR CLAIM FOR TRAVELING EXPENSES.

(Extra sheet.)

409-A

DECEMBER 30TH, 1911.

THE UNITED STATES,

To JOHN A. BUNTIN, Dr.

(Give post-office address) Shawnee, Oklahoma.

Date, 1911.	Items.	Sub. Vou. No.	Amount.
Oct. 1st	Breakfast, Douglas, Arizona.....		\$0.35
	Dinner, ".....		.50
	Supper, ".....		.50
	Transfer, Douglas to Agua Prieta and return.....		.50
	" 3 Indians, Agua Prieta to Douglas.....		.75
	" 3 " Douglas to Agua Prieta.....		.75
	Breakfast, Douglas, Ariz.—Thos. W. Alford.....		.35
	Dinner, ".....		.50
	Supper, ".....		.50
	Laundry, ".....		.70
	Auto hire, Agua Prieta—		.50
2nd	Breakfast, Douglas—self.....		.35
	Dinner, ".....		.35
	Supper, ".....		.35
	Transfer, " to Agua Prieta and return.....		.50
	" 2 Indian women, Douglas to Agua Prieta.....		.50

Date. 1911.	Items.	Sub. Vou. No.	Amount.
Oct. 2nd	Acknowledging 15 powers of attorney and 2 deeds.....	1	\$4.25
	Photographing two groups of Indians and 2 schedules.....	2	5.00
	Camp yard and house for Indians, 10 days at \$1.60.....	3	16.00
	47 meals of Indian witnesses—@ 25¢.....	4	11.75
	126 " " " " @ 25¢.....	5	31.50
3rd	Breakfast.....		.35
	Dinner.....		.70
	Supper.....		.35
	Transfer to Agua Prieta and return.....		.50
	Telegram to Shawnee, Okla.....		.25
2nd	Transfer, Thomas W. Alford to Agua Prieta.....		.75
	" " " " from " ".....		.50
	Breakfast, " ".....		.35
	Dinner, " ".....		.35
	Supper, " ".....		.35
3rd	Breakfast, " ".....		.35
	Dinner, " ".....		.75
	Supper, " ".....		.75
	Laundry, " ".....		.70
	Lodging, self, 3 days, at \$1.50.....	6	4.50
	Transportation, Douglas, Arizona to Eagle Pass, Texas.....	7	24.35
	" " " " T. W. Alford, Shawnee, Okla.....	8	31.20
	3 days' use of room, @ \$2.50—Thomas W. Alford.....	9	7.50
4th	Breakfast, " ".....		.95
	" " self (on diner).....		.70
	Dinner, Del Rio.....		.25
	Transfer, Eagle Pass, Texas, depot to Hotel Dolch.....		.25
5th	Supper, lodging and breakfast, Eagle Pass, Tex.....	10	1.50
	Transportation, Eagle Pass, Texas to Shawnee, Okla.....	11	19.30
	Dinner, Spofford, Texas.....		.40
	Supper, El Paso, Texas.....		.60
	Transfer, Dolch hotel to station.....		.25
	Parlor car fare, Spofford to El Paso, Texas.....		.70
6th	Breakfast en route.....		.25
	Dinner, Denison, Texas.....		.60
	Telegram to Shawnee, Okla.....		.25
	Supper.....		.55
18th	Express on 22 Indian checks to Eagle Pass bank, Texas.....		.70
27th	Recording 3 deeds to Frank A. Thackery.....	12	3.00
Dec. 8th	Transportation, Shawnee to Oklahoma City, Okla.....		1.10
	Supper, " ".....		.55
	Lodging, " ".....	13	1.50
9th	Breakfast, " ".....		.50
	Transportation, Oklahoma City to Guthrie.....		.95
	Dinner, " ".....		.50
	Supper, " ".....		.75
	Transportation, Guthrie to Oklahoma City.....		.95
	Lodging, " ".....	14	1.00
10th	Transportation, Oklahoma City to Shawnee.....		1.10
12th	Recording quit claim deed & 34 powers of attorney.....	15	25.00
16th	Transportation, Shawnee to Oklahoma City.....		1.10
	Dinner, " ".....		.35

Senator TOWNSEND. Mr. Thackery, what particular thing can you testify to that was done by Mr. Bentley or Mr. Field that made you believe at the time that they were going to defraud the Indians out of their property?

Mr. THACKERY. In the first place, the wording of the legislation itself would lead anybody to think that it was not open and above board. It is so worded as to leave the Indians without proper protection. It takes the control of their trust property out of the hands of any Government authority and places it in other hands without any ordinary provision for its proper management.

Senator TOWNSEND. That applied to the portion that went to you, the same as it did to the portion that went to Mr. Bentley?

Mr. THACKERY. Yes; but I was in no way instrumental in getting the legislation. I did not want the fund. It would have been very difficult to have gotten rid of it. I tried to account for it officially, but under the wording of the act, which was procured at their instance, I could not do it.

Now, there were a number of other things. For instance, the receipt which has been several times referred to, wherein he gives an Indian a receipt for \$2,000 payable at the convenience of the payor. That was a little lead-pencil receipt, but it seemed to me to indicate fraud on its face. He says that he had given a proper note previous to this which, he says, she had lost, and he gave this in place of it.

Now, the note—she denied ever having had any such note. She was a girl that had been to school, and when she turned the money over she wanted to have something to show for it, and she gave that paper to me later on. She came to me and told me the story, and showed me this as being the only thing which she had ever received for this money, and wanted me to help her get her funds back. There were several receipts of that character which came into my hands.

Mr. BENTLEY. Have you any more to offer now?

Mr. THACKERY. There was one introduced into the record, which is included in the report of Supervisor Dickson. I do not remember the name of the Indian.

Mr. BENTLEY. I would like to interrupt you, Mr. Thackery, if you will permit it.

Mr. THACKERY. There were a number of cases of that kind, which did not indicate to me a desire on his part to handle their money by checks or by some accounting which could be followed up and traced to ascertain whether it had been proper or not.

Then, the transactions with reference to his attempts to buy, if you please, the testimony of Dr. Conine—

Mr. BENTLEY. Now, gentlemen, that—

Senator TOWNSEND. Wait, Mr. Bentley, just a minute; you will have a chance to testify. I want the witness to complete his statement so I can get an answer to my question. You can testify to this same thing, if necessary.

Mr. THACKERY. Well, as I have said, these other men—the acts of these other men were undoubtedly very bad. Still Mr. Bentley goes and enters into an arrangement with them whereby, according to the testimony, he agrees to pay one of the men who had been working in opposition to him \$3,000, I believe, to come over and desert these other fellows.

Mr. BENTLEY. Please state the testimony that is your authority for that. Tell the committee on whose authority—

Mr. THACKERY. I would like to ask the committee to examine Jack Kelly, city policeman in the city of Shawnee, who held the money—five \$10 bills—paid on this contract. I think he holds it yet; he did the last time I saw him. Conine was the man that was to give the testimony and receive the \$3,000.

Mr. BENTLEY. You have admitted, though, the whole matter was a frame-up?

Mr. THACKERY. I have admitted that, but you indicated, in connection with it, that you were willing to enter into it and buy a man's testimony.

Mr. BENTLEY. I have not admitted it. In fairness to myself, I want to explain in this record now—

Representative BURKE. Mr. Chairman, why not let one witness testify?

The CHAIRMAN. Go ahead, Mr. Thackery, and testify, and then you will be permitted to make any statement you desire, Mr. Bentley.

Mr. THACKERY. These men got him into that condition because he had deeds of certain lands which they had deeds on. And after they got him into that fix and had him indicted, then they come to him, as the case would show, and make some arrangement whereby he quitclaims on the cases where he had——

Mr. BENTLEY. Do not use the term "case." You know there were no cases.

The CHAIRMAN. Do not interrupt, Mr. Bentley.

Mr. THACKERY. He has admitted that these quitclaim deeds were executed by himself or wife, or both, and immediately following that this indictment was dismissed.

Then, there is the case, already shown in the record, of Inspector McLaughlin, wherein he enters into a similar deal with one L. C. Grimes, one of the most notorious in the alleged fraudulent deeds under the act of 1906—he enters into a deal with that Mr. Grimes——

Mr. BENTLEY. That is the man you arranged with Outcalt to get the Indians out of Mexico.

Mr. THACKERY. No; I did not arrange with Outcalt. That has not been shown.

Mr. BENTLEY. Your letter shows it.

Mr. THACKERY. He enters into a deal with this man Grimes to turn to him sufficient votes of the Kickapoo Indians——

Mr. BENTLEY. May I ask if he testified in person about it?

The CHAIRMAN. Stop interrupting, Mr. Bentley. I have stated you will be permitted to reply.

Mr. THACKERY (continuing). Grimes is to turn to him sufficient votes of the Kickapoo Indians, under the act of April 30, 1908, to control this council that is to determine the disposition of this \$215,000. And for his services in doing that he is to receive—I believe it is equal to \$10,000; and, according to the affidavit of Mr. Grimes and his attorney, who was present and heard the agreement, \$100 was paid, or about \$100 was paid on that contract, and Mr. Bentley purchased this man Grimes and took him from Shawnee, Okla., to Douglas, Ariz., for the purpose of carrying out this arrangement whereby Grimes was to throw him enough votes, because of his influence—to throw him a majority so he might control the disposition of that money.

Now, that, mind you, is with the man who, before this subcommittee of the Senate which made this investigation, he charges perhaps more than any other man with all this crookedness; still when he gets into a pinch he is willing to enter into an agreement with him.

Those things, I say, led me to believe that their methods were not what they ought to be. There was other things of that character, but those illustrate in a general way what led me to that conclusion.

Senator TOWNSEND. Were you in such a frameup, as he calls it, with this man Outcalt?

Mr. THACKERY. Absolutely no; none whatever.

Senator TOWNSEND. What were your relations with Outcalt in that matter?

Mr. THACKERY. I was sent there in my capacity as superintendent at Shawnee to assist him in procuring any evidence which might be

available as to transactions growing out of the deeds taken under the act of March 3, 1905, with reference to the seven allotments. And while I was there this 1906 act became a law; it passed, and these other transactions took place.

Senator TOWNSEND. Did you know that this 1906 act was being considered at that time in Congress?

Mr. THACKERY. Yes, sir.

Senator TOWNSEND. You knew that when you went down there?

Mr. THACKERY. Yes, sir; I learned it just a little while before. These other parties took away about 15 or 20 Kickapoos, thinking the act was going to become a law, no doubt, for the purpose of making them nonresidents in order that they might get deeds, and I wired the office to that effect.

Senator TOWNSEND. Did you go down to Mexico for anything that had anything to do with that proposed act?

Mr. THACKERY. No, sir.

Senator TOWNSEND. You went down there solely in connection with the seven cases?

Mr. THACKERY. Yes, sir. When the arrangements was made for our going I don't think the 1906 act was known of at all. This 1906 matter was reported in the newspapers later on, after our arrangements to continue the investigation of the seven allotments had been made.

The claim has been made by Mr. Bentley that Outcalt used the same interpreter, and that happened in this way: There are very few interpreters in this particular locality, and I had authority to employ a Spanish and an Indian interpreter; but on going to Mexico we first went to the town of Muzquiz to examine the land records there, or whatever records we could find as to the title to any land which he claimed he had bought from the funds coming from these 1905 transactions. We came to Muzquiz, and I stayed there, I think, over one night, and when I saw the way the matter was shaping around I left there immediately and went to Eagle Pass where I could take the matter up, as I thought, to better advantage by wire with the department.

I had not employed any Spanish interpreter at that time, but when I left I told Mr. Outcalt that if he found need for an interpreter he might secure one under this authority which I had. We later did employ Dr. Conine, who, from the record, I judge, also acted as the interpreter for some of these other men.

Senator TOWNSEND. Did you succeed Mr. Bentley as superintendent or agent out there of the Kickapoos?

Mr. THACKERY. I succeeded Mr. Bentley and two other people. The work that had formerly been under Mr. Bentley and a part of the work that had been done at the school and the superintendency of the Shawnee Indian School—the three positions were consolidated, and I took the work.

Senator TOWNSEND. Were there some frauds committed upon the Indians while you were agent there?

Mr. THACKERY. You mean in Mexico?

Senator TOWNSEND. No; in Oklahoma.

Mr. THACKERY. I do not recall any particular frauds. These Kickapoos were undoubtedly defrauded in these transactions growing out of this legislation.

Senator TOWNSEND. As I understood Mr. Bentley—he can correct me if I am wrong—one of his reasons for wanting to get out of Oklahoma with the Indians was because they were not treated fairly and could not be treated fairly; they were being imposed upon almost constantly, and some of their property, as I understand it, was taken away from them. Is that correct?

Mr. BENTLEY. Yes, sir.

Mr. THACKERY. What property do you refer to?

Mr. BENTLEY. These people would come and interfere with them. Their mules were being stolen and their stock run off. Drunken renegades would come there and fight with them—

Mr. THACKERY. There was no considerable amount of that; no. There might have been an occasional disturbance over drunkenness. There is always more or less of that in Oklahoma around those towns, both among the Indians and the whites.

Senator TOWNSEND. He stated something, as I recall it, about a fake policeman that would go out among the Indians—

Mr. THACKERY. That was before my time there, long before I went there, and I knew nothing about it.

Mr. BENTLEY. That was in the early days, before allotment, or about that time. A deputy marshal would go and arrest an Indian who had property, on any kind of a paper, and he would compromise it and take his property.

Senator TOWNSEND. He has testified that while he was agent there the Kickapoo Indians were satisfied and doing well, but afterwards things went wrong. How were they changed?

Mr. THACKERY. Well, of course, I do not know how well they did under him, because I was not there, but there was a good deal of agitation amongst them at the time or very soon after I took charge. And the uneasiness of the Indians, so far as I could tell, was caused entirely by stories which were circulated amongst them that since their agent had been taken away and a superintendent put in his place the intention of the Government was to force their children into school. They were opposed to their children attending school, and that was a very strong point with them. They did not want their children in school, and they came to me a number of times away in the night. It had been reported to them that I was out in the night after their children, and they would come to my home to see if I really was there. They were all uneasy.

Senator TOWNSEND. Did you try to force them into schools?

Mr. THACKERY. No, sir.

Senator TOWNSEND. Did you not establish schools among the Indians?

Mr. THACKERY. We had a boarding school there, and I finally, when I gained their confidence, put a large number of them into school. I say a large number; there were not very many. I had 10 or 15 in school when I left there, but for the first several years I did not dare to mention school, because it would have had the effect of searing them all off to Mexico. They were made to feel that the only way they could avoid the education of their children was to take them and go to Mexico.

Senator TOWNSEND. Now, Mr. Thackery, one of the things that this commission wants to find, if it exists, is this—and it wants to

find it in your case as well as in any other, and will use every means it can to get at the facts in your case just the same as it will in the others.

What we would like to know is whether there is anything in your knowledge that this commission ought to know in reference to the conduct of Mr. Bentley or anybody else in connection with this \$86,000 fund, or any other fund that the Government has appropriated for the Kickapoos, that has not been regular or that indicated that there has been a wrong done the Indians.

Mr. THACKERY. I should be glad to have a little time to go over this statement to call your attention to whatever may appear.

Senator TOWNSEND. I think the committee would be glad to have you do so.

The CHAIRMAN. Yes; I wish you would do that.

Mr. THACKERY. I had never had an opportunity to go over this until lately, and to consider this properly will require a comparison with the accounts of Supt. Buntin and myself, as well as the records of the court.

Representative BURKE. Mr. Thackery, when you received this \$101,000 you were the superintendent at the agency and in the employ of the Interior Department?

Mr. THACKERY. Yes, sir.

Representative BURKE. And you have been at all times since then and during the time you were disbursing the fund?

Mr. THACKERY. Yes, sir.

Representative BURKE. The Interior Department knew you had this \$101,000, and that you expected to disburse it?

Mr. THACKERY. Yes, sir.

Representative BURKE. Has the department or the Bureau of Indian Affairs ever made any inquiry of you with reference to the fund as to whether you had disbursed it, and to what extent?

Mr. THACKERY. Mr. Kearful, of the Department of Justice, looked over my account at one time, and said that he did so at the request of the Commissioner of Indian Affairs.

Representative BURKE. He looked over your account? What do you mean by that?

Mr. THACKERY. He inquired into the manner in which I was paying it out, whether by check or just handing it out in cash.

Representative BURKE. You have never received any written communications from or sent any communications to any branch of the Interior Department that had reference to this disbursement?

Mr. THACKERY. No, sir; not that I recall.

Representative BURKE. Now, when you took the Indians over to Douglas, Ariz., for the council, I believe you stated there was an expenditure of about \$7,000?

Mr. THACKERY. Yes, sir; something like that.

Representative BURKE. Was that expended from the amount of money that you received, or was that expended from the \$215,000?

Mr. THACKERY. Some of the Indians had funds to defray their own expenses, and those who had funds loaned those who did not have funds sufficient to make the trip on. After we received the \$215,000, or my part of it, they paid—the ones who had borrowed from other Indians paid it back from their share of this \$215,000.

Representative BURKE. Then the \$101,000 that you received, in round numbers, was divided equally, without any amount being deducted for expenses that were paid out on account of that trip?

Mr. THACKERY. Yes, sir; it was divided equally.

Representative BURKE. Now, these Indians were allotted, as I understand it, in 1894?

Mr. THACKERY. About that time—1893.

Representative BURKE. And all Indians living at that time were allotted?

Mr. THACKERY. Yes, sir.

Representative BURKE. Then in 1908, when the \$215,000 appropriation was made, there must have been some minors among the Indians, were there not, who were allottees?

Mr. THACKERY. Yes; there was.

Representative BURKE. Some of them as young as 14?

Mr. THACKERY. The youngest would be about that; yes.

Representative BURKE. Now, when you credited, as I understand you did, each Indian with one thousand one hundred and ninety-eight dollars and twenty-five or twenty-four cents, as the case might be, did you credit each minor the same as each adult?

Mr. THACKERY. Yes, sir.

Representative BURKE. Now, how did you expend the money of the minor?

Mr. THACKERY. It was mostly expended as guardian. The youngest, I remember, was a girl named Anna Hale. I think she was the youngest allottee. The account will show for itself. In this case of Anna Hale this \$71.05 represented the amount she gave to these five homeless Indians.

Representative BURKE. How old was she at that time?

Mr. THACKERY. I should say she was 14 or 15 years old.

Representative BURKE. She signed a check the same as the adult Indians?

Mr. THACKERY. Yes, sir.

Representative BURKE. And is that true as to other disbursements that were made on her account?

Mr. THACKERY. Excepting the last check, which was for \$1,072.51.

Representative BURKE. In this case of the \$1,198.24 you accounted for \$1,072.51 as a guardian, having been duly appointed?

Mr. THACKERY. Yes, sir.

Representative BURKE. Now, were there any other cases where the money was paid out to minors where you were not appointed guardian?

Mr. THACKERY. No, sir; not any considerable amount.

Representative BURKE. Now, in 1894 these Indians were allotted, and in 1908, 14 years afterwards, there were living 82 in Oklahoma and 75 in Mexico. This was in 1908; that would be 14 years afterwards. Do you mean to say there was only one minor?

Mr. THACKERY. They are all marked here. The book of accounts shows each case where it was a minor [indicating].

Representative BURKE. Now, in this case [indicating], how old was this Indian? What is that name?

Mr. THACKERY. Pe-ah-puck-o-he. I should say he was about 17 or 18.

Representative BURKE. Of his \$1,198 you have expended \$880 as guardian?

Mr. THACKERY. Yes, sir.

Representative BURKE. The balance you have paid the same as you would pay to an adult?

Mr. THACKERY. Yes, sir.

Representative BURKE. Now, in paying money to the minor in any case, what would that be paid for? I do not suppose that would be for building houses or farm implements or horses?

Mr. THACKERY. In the case of both of these I speak of a house was later built out of the fund I took up as guardian.

Representative BURKE. Of the \$300 and some odd, \$71, I understand, went to the homeless Indians. But the other items—have you any information as to how that was expended?

Mr. THACKERY. \$71.06 was his share that went to the five homeless Indians. The next check is a \$5 item, which is the amount to pay a certain debt the tribe owed to a man named Much-e-ne-ne.

Representative BURKE. You would not use the money of a minor to pay a debt of the tribe?

Mr. THACKERY. The tribe paid it pro rata. The tribe made a trip to the city. \$52.19—I do not recall just what that item was. The amount expended in that way, in every case of a minor, was small.

Representative BURKE. You stated in response to a question asked you by Senator Townsend that the relations between Mr. Bentley and Mr. Field you considered had been rather intimate?

Mr. THACKERY. Yes, sir.

Representative BURKE. Do you recall being here in 1912 when you testified before a conference committee, at which time you made some statement about there being some period when the relations between Mr. Field and Mr. Bentley were not as cordial as they had been?

Mr. THACKERY. Well, they both at times, especially during the past four or five years, came to me and complained of each other, apparently having had disagreements, having fallen out. But whenever it comes to a show-down they always get together all right.

Representative BURKE. To refresh your recollection, and perhaps you can refresh mine, I recall some statement you made that Mr. Field had talked with you quite freely at a time when he and Bentley had fallen out over an allotment made to one Jim Deer. Do you recall anything about that?

Mr. THACKERY. Yes, I do. I do not remember the details of it, but I know that Mr. Field related to me that he was having much difficulty in getting Mr. Bentley to handle this particular case the way he wanted it. The allotment in question was that of a deceased daughter of Jim Deer, from which the restrictions were removed in the 1905 act, and the difference between them was over the handling of the funds coming from the sale of that allotment. They did have at one time, according to the statement Mr. Field made to me, quite a little difference about that case.

Representative BURKE. Was that over the money involved?

Mr. THACKERY. Over the money involved, as I remember it; yes, sir.

Representative BURKE. Did Mr. Field tell you the details of the difference, so that you can relate them?

Mr. THACKERY. No; I do not recall it now. What he told me was on a trip, I think, into Bacerae, where the Indians resided. I would

not attempt now to relate the details of the conversation, but I know that according to his story there had been quite a difference.

Representative BURKE. From your recollection, was there anything about that transaction that would strengthen the opinion that you had formed that either or both of these gentlemen were not dealing squarely and honestly with the Indians?

Mr. THACKERY. Yes, sir.

Representative BURKE. Can you relate anything about what gave you that impression?

Mr. THACKERY. Well, it was the statement that Mr. Field had made that he could not get Bentley to account, I think, to this International Trust Co. of Delaware. He wanted Bentley, as I remember, to turn over the funds so that it might be taken up in that international company. I would not be sure at this time, but it was something along that order, and he related the details.

Representative BURKE. Do you remember what the amount involved was?

Mr. THACKERY. My recollection is that it was very nearly \$8,000.

Senator LANE. Now, Mr. Thackery, you were trustee of those Indians. Was it not your duty to see that their money was expended properly, and to follow up the transaction?

Mr. THACKERY. As far as I could; yes, sir.

Senator LANE. You say that you gave no bond for this, and consequently you left the inference that there was not much responsibility. There has been no one yet to whom you have been held responsible for this expenditure. Congress made an appropriation and intrusted it to you, and you are now going to be held responsible.

Mr. THACKERY. Congress intrusted it, as I understand it, to the Indians.

Senator LANE. The money has been passed over to you, and you are now going to be held responsible for it, and there has been some question about it; I will say that to you. I am going to ask you now to file a full statement of your expenditures here, showing each individual transaction, and your vouchers for the same, if you can possibly do so.

Mr. THACKERY. Of course I would not want to give up my checks. I am willing to turn them over to you for examination.

Senator LANE. Both of this trust fund and your administration fund. I want a full and complete statement of it, the same as you would hand in to a bank in any other business transaction.

Mr. THACKERY. What do you mean by the "administration" fund?

Senator LANE. Where you acted as administrator; I mean, as guardian.

Mr. THACKERY. Of course, the guardian accounts are accounted for in the courts. That would necessitate a trip to Oklahoma to get those.

Senator LANE. You filed an accounting with the court, did you not?

Mr. THACKERY. Yes, sir.

Senator LANE. Well, you can charge it off to the court, or wherever it goes. Free yourself of it.

Representative BURKE. You do not ask him to account to us in detail for what the court has approved?

Senator LANE. No; we have nothing to do with the court.

Representative BURKE. Do you not think, Mr. Thackery, for your own protection, after you submit these vouchers deposited with the Interior Department in order that they may be preserved?

Mr. THACKERY. I am perfectly willing to do that.

(Thereupon at 11.45 o'clock p. m. the joint commission proceeded to the consideration of executive business, and at 11.55 o'clock p. m. adjourned to meet at the call of the chairman.)

MAY 18, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

FUNDS OF THE MEXICAN KICKAPOO INDIANS.

The joint commission met in room No. 128, Senate Office Building, at 9.30 o'clock a. m.

Present: Senators Robinson (chairman), Lane and Townsend; Representatives Stephens, Carter, and Burke.

TESTIMONY OF MR. FRANK A. THACKERY—Resumed.

The CHAIRMAN. Mr. Thackery, what was the balance you had on hand when you made the settlement with your successor as superintendent of the Shawnee Agency?

Mr. THACKERY. Well, this account was not balanced and settled with him.

The CHAIRMAN. Did you not turn over a part of the fund to him?

Mr. THACKERY. The funds I received were turned over in this way: Where I was guardian, he either assumed in a few cases the guardianship himself or I closed up the guardianship and gave the minor—or the adult in many of these cases—the amount due. And in those cases, in many of them, we encouraged them to go to Supt. Buntin and turn it over to him as superintendent.

The CHAIRMAN. Your accounts with reference to this fund have been checked over by the clerks of this commission and representatives of the Indian Bureau?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Has a statement of the amounts transferred to the guardianship account, as shown by your ledger, been prepared?

Mr. THACKERY. Yes, sir; that shows the cash transferred.

If I might explain that a little, this account which you have there would show a transfer in cash to the guardianship account of \$419.63.

The CHAIRMAN. Whose account is that?

Mr. THACKERY. Pe-ah-mah-ske. Now, for this particular Indian, in addition to that cash, I accounted in my guardianship account for the total amount which I had previously paid him. That is, as I remember now, I took his receipt for all the amount represented in his full account, excepting the \$419.63, and included that receipt in my settlement as guardian, and then took up the cash which I then had on hand—\$419.63—in the guardian account.

The CHAIRMAN. So, as to that Indian, the whole amount——

Mr. THACKERY. Was accounted for as guardian under my guardianship account. That is true of every account where I was guardian.

The CHAIRMAN. How many of the accounts were you guardian in? Is this a statement of them? [Exhibiting a paper.]

Mr. THACKERY. No, sir; that is not all of them. It was approximately 68 or 70 accounts out of 85.

The CHAIRMAN. What is that statement?

Mr. THACKERY. This is the cash on hand at the time I transferred these different accounts to my guardian account, but it does not show the amount which I had previously paid to the Indian and for which I took a receipt and which I accounted for in my guardian accounts in the final settlement.

The CHAIRMAN. Was this amount turned over to Mr. Buntin?

Mr. THACKERY. No, sir; that amount was finally turned over to the Indian; and, in some cases, no doubt, the Indian left parts, at least, of that money with Mr. Buntin as superintendent, and he took it up in his official capacity, especially in cases where they were minors.

The CHAIRMAN. Did you turn any of these funds over to Mr. Buntin?

Mr. THACKERY. I could not be sure, but I do not think I did directly. We did not find any paper in the Indian Office—papers which he signed when he receipted to me which showed that he actually received it from me.

Representative BURKE. Just to clear up that point, was there any way that you could do so? You had been made trustee, as I understand it, under an act of Congress——

Mr. THACKERY. No, sir. The comptroller's opinion precluded him taking it up in his official capacity, although we have another law or provision that a voluntary deposit by an Indian may be taken up by the superintendent.

Representative BURKE. I understand; but, as trustee, you had no authority to delegate someone else without the consent of the parties that made you trustee?

Mr. THACKERY. No.

Representative STEPHENS. Mr. Thackery, if you did turn over any of these funds to Mr. Buntin did you take a receipt for them?

Mr. THACKERY. Yes, sir.

Representative STEPHENS. Have you those receipts, or was it all in one?

Mr. THACKERY. If there were such receipts—if such funds were turned over the receipts would be on file in the Indian Office, and we found receipts there where he had receipted for a lot of individual Indian money; but it is impossible to say positively whether some of those individual funds represented funds here or not. However, this is true, that in every guardianship account my guardian account shows the disposition of the whole amount under my guardian bond, which has been audited——

Representative BURKE. That is, in those cases did you account in your settlement in the local county court for the moneys you had disbursed of the amount due the ward before you were actually appointed guardian?

Mr. THACKERY. Not before I was actually appointed guardian; no. I accounted for all funds which I received during the time that I was guardian.

The CHAIRMAN. Now, is this a correct list of the amount transferred to your guardianship accounts as shown by your ledger?

Mr. THACKERY. That is a correct account of the cash transferred to the guardian account; yes, sir.

The CHAIRMAN. Let that go in the record.

(The statement referred to is as follows:)

List of amounts of cash transferred to guardianship account of F. A. Thackery, as shown by his ledger accounts.

Page.	Indian.	Check No.	Amount.
2	Emma Kickapoo.....	1027	\$10.00
10	Me nah quah.....	977	345.00
16	Quen me po that.....	994	12.00
24	Wah na ke tha.....	995	240.00
40	Peah Maw ske.....	996	419.00
42	Peah puck o he.....	971	880.00
44	Ah ko the.....	998	300.00
58	Henry Murdock.....	814	8.89
66	Sho we nah quah.....	815	5.00
72	Men ah the quah.....	997	300.00
82	Mut twuh quah.....	999	400.00
84	Wah ne mah wuah.....	1000	549.34
86	Wah pah nah pe quah.....	1001	470.00
90	She pah tho quah.....	1002	200.00
92	Pen me ah kah quah.....	1003	650.00
94	I nesh kin.....	816	8.00
96	Pah mah ka quah.....	1011	575.00
102	Puck ke shin no.....	972	405.70
104	Ke ke e quah.....	817	10.00
106	Pah ke che moke.....	818	10.00
		873	2.78
		1012	79.00
110	Meck ke the quah.....	1013	300.00
114	Tah nah ke.....	1014	650.00
118	Effie Douglas.....	1015	300.00
120	Mamie Down.....	1016	50.00
124	Wah que tah no quah.....	1017	525.25
126	Kich ke tan o quah.....	786	10.00
136	Ah che tha to quah.....	1018	150.00
138	Mary Neal.....	953	920.00
144	Jennie Stevens.....	934	10.00
146	Anna Hale.....	973	1,072.51
150	Py ah tho.....	819	10.00
		1019	10.00
152	Purt Peah che that.....	974	577.84
154	Mah teck que net nee.....	975	966.69
164	Ko ke ki equah.....	1030	250.10
168	Nah she pe eth.....	828	10.00
		1041	110.00
	Total.....		11,802.73

Representative STEPHENS. Do not the probate laws of Oklahoma provide that when accounts are wound up there shall be an order entered in the record?

Mr. THACKERY. Yes, sir.

Representative STEPHENS. Has that been done in these cases?

Mr. THACKERY. I think it has, in every case.

Representative STEPHENS. Could you get us those orders of discharge?

Mr. THACKERY. I can, at a considerable expense. I suppose you would want them certified to. I should be glad to get a statement in any form that you desire.

Representative STEPHENS. Most of the probate courts that I have had anything to do with enter an order of final discharge.

Mr. THACKERY. What I meant was that to get it authenticated would cost in each case possibly a dollar or two.

Representative STEPHENS. I did not suppose they would charge you—

Mr. THACKERY. I should be glad to get whatever you want.

Representative STEPHENS. That would be the only way to know whether or not you had been finally discharged?

Mr. THACKERY. Yes. It was suggested the other day that I could get a certified copy of the final report, which would show the discharge and the accounting as well.

Representative STEPHENS. If we had the final discharge it would be presumed that the court had passed upon all these accounts.

Mr. THACKERY. Yes. I shall be glad to get that if I can. The accounts are in three different counties in Oklahoma.

The CHAIRMAN. As a matter of fact, what is the object in having those records? If he has been finally discharged what is the use of going to that expense?

Representative STEPHENS. I did not suppose it would be necessary to go to any great expense.

Representative BURKE. In the absence of any suggestion of any improper conduct in those cases, I do not see why it should be necessary.

The CHAIRMAN. That is my idea.

Mr. THACKERY. I would be glad to give you a list of the guardianships in the three different counties, and then, if you like, you may correspond with the judge in each county and find out.

The CHAIRMAN. Is not that a list of them right there?

Mr. THACKERY. That is not a list of all of them. That is a list of the cases where I took up cash.

The CHAIRMAN. What I want to ask you is, if you found it necessary and thought it proper to account for a part of this fund as guardian, why you did not do it as to all of them.

Mr. THACKERY. I did do it as to all of them. I have not made myself clear there. Take this account [indicating]. This shows it has been transcribed to the guardian account. In fact, there is no cash in this case actually taken up as guardian, but I went to the court and showed I had received \$1,198.25 in this particular case, and then I produced receipts from the Indians for that amount, and accounted for it under my guardian bond.

The CHAIRMAN. Did you take out letters of guardianship in all cases? In what cases did you become guardian?

Mr. THACKERY. I became guardian in the cases wherever the Indian at the time the act of 1906 was passed was still living in Oklahoma, for the purpose of preventing him from becoming a nonresident under that act and selling his land. I did not take those guardianships for the ordinary purpose, but to protect the Indian's title to his land.

Then when I came to close up these guardianships it was suggested that, although I had not intended to handle his funds at all—these Indians were adults—it was suggested that, in order to have my guardianship account straight and complete without question, I should account for these funds. That suggestion did not occur to me until after I had paid out a lot of this money as trustee; but in order to put the responsibility on myself as guardian, under my bond, I included a statement of what I had received and the receipts therefor

in this account, and became responsible for it under that bond to the court. The court has examined those accounts and given a final discharge in every case so far as I know.

The CHAIRMAN. Now, at the request of the commission, the clerks of the commission and the representative of the Bureau of Indian Affairs, Mr. Murphy, went over the vouchers which you have presented here showing your payments on account of this fund, and made a memorandum taking exception to certain items; that is, calling attention to certain apparent objections to them.

I find in the account of Much-e-ne-ne, check No. 226, July 11, 1908, for \$51.75, that that check is missing. Do you know how that occurred?

Mr. THACKERY. No, I do not at this time. I recall that that check was to pay an indebtedness he had for clothes, dry goods, etc.

The CHAIRMAN. To whom?

Mr. THACKERY. I think it was to Johnson & Dickson, Shawnee, Okla.; but just where the check is now I do not know.

The CHAIRMAN. Have you the stub of the check?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. To whom was it payable?

Mr. THACKERY. They were all payable to the Indian.

The CHAIRMAN. In every case the check was made payable to the Indian?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you know whether the check was ever returned to you or not?

Mr. THACKERY. I could not be sure.

The CHAIRMAN. What bank was it drawn on?

Mr. THACKERY. The Shawnee National, in all cases.

The CHAIRMAN. You have no further recollection of the transaction?

Mr. THACKERY. No, sir. I shall try to locate the check; I think I can.

The CHAIRMAN. In the case of Wah-pe-ke-che it appears that there is a discrepancy there of \$25. Do you know anything about that?

Mr. THACKERY. I did not know about it until we added up the account on the adding machine here.

The CHAIRMAN. Have you verified that to see whether or no there is a mistake of that kind?

Mr. THACKERY. I think it is a mistake in addition. When the Indian came in for his last check he, no doubt, said he wanted to draw the balance due, and in adding it up I evidently found that there was \$100 due, whereas it should have been \$125.

The CHAIRMAN. The mistake was then \$25 in your favor?

Mr. THACKERY. Yes; I owe the Indian, in other words, \$25 in that account.

The CHAIRMAN. Now, as to Wah-sko-tak, page 18 of your ledger, I find a memorandum that he was overpaid \$50. How did that occur, if it is true?

Mr. THACKERY. In the same way, I presume.

The CHAIRMAN. Have you any personal recollection about that?

Mr. THACKERY. No; I have not.

The CHAIRMAN. Have you traced that up since your attention was called to it?

Mr. THACKERY. I assisted the clerks here.

The CHAIRMAN. And you found there was——

Mr. THACKERY. That there was a mistake there of that amount; yes, sir.

The CHAIRMAN. And you had overpaid him \$50?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Now, as to Stephen Mohawk, page 38 of your ledger, I find a memorandum here that his check for \$300 does not appear to have been legally indorsed. What do you know about that?

Mr. THACKERY. I know that the indorsement is not his, but, on the other hand, it is that of his wife.

The CHAIRMAN. Do you know that?

Mr. THACKERY. Yes; I know her signature. She writes English.

The CHAIRMAN. Will you let us see that if it is convenient to find it?

Mr. THACKERY. Yes, sir. He was about dead at that time with tuberculosis, and my idea would be that he was too sick to attend to the matter himself, and she signed his name for him. [Handing check to the chairman.]

The CHAIRMAN. What was that issued for? Does your stub show?

Mr. THACKERY. I will look and see. I do not know.

The CHAIRMAN. The number is 235.

Senator LANE. July 15, 1908; Stephen Mohawk; for support, \$300. That is the way the stub reads.

Mr. THACKERY. His wife was formerly known as Effie Douglas, and she was an educated girl.

The CHAIRMAN. Is that her personal handwriting?

Mr. THACKERY. Yes, sir; that is her writing.

The CHAIRMAN. I note an indorsement on the back which appears to be in your writing, I take it, below her indorsement, "paid cash to Stephen Mohawk."

Mr. THACKERY. No; that is not mine.

The CHAIRMAN. Who wrote that?

Mr. THACKERY. I do not know. I presume it was the bank. It is not my writing.

Representative BURKE. Did that check for \$300 pass through the bank, and was it returned to you as having been paid?

Mr. THACKERY. Yes, sir; it has the stamp of the bank, marked "paid" on it.

The CHAIRMAN. Now, I find three other checks: One numbered 486, for \$33.19; another numbered 550, for \$224.65; and still a third, numbered 779, for \$25. It is noted in this memorandum that those checks were not indorsed by Stephen Mohawk himself. Have you examined those checks since this was called to your attention?

Mr. THACKERY. I do not believe I have.

The CHAIRMAN. That appears to me to be in the same writing as the indorsement of the check for \$300 that you have just spoken of and which you said was indorsed by his wife, formerly Effie Douglas.

Mr. THACKERY. Yes, sir.

The CHAIRMAN. When did he die?

Mr. THACKERY. He died—I do not know the date. It must have been 1909 or 1910; somewhere along about that time.

The CHAIRMAN. Did you know him personally at that time?

Mr. THACKERY. I did.

The CHAIRMAN. What was his physical condition?

Mr. THACKERY. He died with tuberculosis, after lingering for some months.

The CHAIRMAN. Was he confined to his bed at the time you speak of?

Mr. THACKERY. Part of the time.

The CHAIRMAN. What I am trying to find out is why his wife indorsed the check instead of him.

Mr. THACKERY. I presume it was on account of his sickness. I think he signed by mark.

The CHAIRMAN. The check for \$300 has also her indorsement on it. The other three checks that I have last called to your attention have not her indorsement. All the four checks to Stephen Mohawk are stamped as paid by the bank.

Mr. THACKERY. I am sure of this, that the checks were all issued to him prior to his death, and I did not know until this examination about those indorsements.

The CHAIRMAN. Your attention has never been called to them?

Mr. THACKERY. No.

Representative STEPHENS. Would not the presumption be that the bank officers themselves would not have paid the money out had they not been properly indorsed?

The CHAIRMAN. It is apparent they were not properly indorsed; but I think the assumption is he would not know about it if the bank chose to pay it out on a bad indorsement.

Mr. THACKERY. When the bank stamps it "Paid" it assumes the responsibility, and if the indorsement is not right the bank would be responsible to me, because they were in each case payable to Steve Mohawk.

The CHAIRMAN. Now, in the case of Peah-puck-o-he, check No. 409, for \$52.19, exception is taken to that check because the indorsement does not appear to have been witnessed.

Mr. THACKERY (examining the check). It does not show any witness.

The CHAIRMAN. This check is indorsed by a mark and not witnessed. The check is marked, "Paid" by the bank, July 17, 1908. The date of the check is July 16, 1908. Have you any personal knowledge of that indorsement, Mr. Thackery?

Mr. THACKERY. No, sir; I have not.

The CHAIRMAN. In the case of Mack Johnson, check No. 221, for \$21, it is stated here that the check is missing.

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you know how it happens that you have not that check?

Mr. THACKERY. I think the check was introduced in a case in court to verify his signature. He wrote his own name.

The CHAIRMAN. Do you know whether or not it was ever cashed?

Mr. THACKERY. I would not be positive, but my recollection is that it was cashed, and he was a witness in court in a case in which an attempt was made to impeach his testimony, and that I was asked to produce his signature on various papers. I did that, at least, in several cases, and I think this was one. He was an inter-

preter in that 1906 trouble, and he was used as a witness in a good many cases.

The CHAIRMAN. Now, as to John Snake, it appears that on November 27, 1909, you took credit for a cash payment of \$161. Did you take any voucher for that?

Mr. THACKERY. I did not. I think I can procure receipts from the doctor and the merchants from whom I bought provisions and clothing for him during his illness. That was done at a time, I think, when he was almost dead with tuberculosis.

The CHAIRMAN. Did you pay the money to the doctor or to these creditors?

Mr. THACKERY. In some cases I paid the money and in the others I paid his doctor bill and the bills to grocers, etc.

The CHAIRMAN. Did you take receipted bills?

Mr. THACKERY. I did not at that time.

The CHAIRMAN. How did you know what you were paying out? How did you keep the account?

Mr. THACKERY. I paid the little items as they came along out of my personal funds, as I recall it now, and later reimbursed myself.

The CHAIRMAN. How did you keep the account?

Mr. THACKERY. I had a little memorandum of it.

The CHAIRMAN. Have you that here?

Mr. THACKERY. No; I have not. I have not it here.

The CHAIRMAN. Let us see your entry on your ledger with reference to that. [Examining the ledger.] The entry appears to have been made November 27, 1909. When were the payments made, if you know?

Mr. THACKERY. They were made prior to that, but I could not give you the date.

Representative BURKE. Before leaving that account, that seems to be one where a payment of \$161 was made without any voucher. Now, is that party dead?

Mr. THACKERY. Yes.

Representative BURKE. When did he die?

Mr. THACKERY. He died—I do not know the date, but it must have been the latter part of 1909 or the first part of 1910.

Representative BURKE. What became of the balance of his \$1,198?

Mr. THACKERY. I have checks for all the balance, paid to him direct.

Representative BURKE. Whom did he leave, if you know, in the way of heirs?

Mr. THACKERY. He left this Joseph Murdock that was before your commission—no; he left Joseph Murdock's wife—Joseph Murdock is his brother-in-law—and three other sisters, I believe.

Representative BURKE. Has any person at any time ever called upon you with reference to his account or raised any question with regard to it?

Mr. THACKERY. Nobody has raised any question with it. I went over it with a number of people. In fact, his sisters came to me during his illness, and I went with them to the camp and made payments and took him provisions at the suggestion of and with his sisters and relatives.

Representative BURKE. Subsequent to his death has any person raised any question?

Mr. THACKERY. No, sir; none whatever.

Representative STEPHENS. Were you his guardian appointed by the court?

Mr. THACKERY. Not for this particular Indian; no.

The CHAIRMAN. Now, let us go on to check No. 993, to No-sha-she, for \$50. Let us see that check. [Examining check.] That does not appear to have been stamped "paid" by the bank; but there is written, in pencil, across it the word "paid." What do you know about that?

Mr. THACKERY. I did not know that was done until it was called to my attention the other day. I want to call attention to the witness on the back, John W. Jones, who was cashier of this Shawnee National Bank. He was then and is now cashier of that bank, and he witnessed the check, and he has evidently written "paid" across the face of the check, but did not stamp it.

Representative STEPHENS. It is the custom to stamp it; but do they sometimes neglect it?

Mr. THACKERY. There are three or four cases where there is no stamp, although I think it bears in each case the witness of the cashier to the signature.

Representative BURKE. Do you know whether this check came back to you through the bank and was charged to your account?

Mr. THACKERY. It did.

The CHAIRMAN. How do you know that?

Mr. THACKERY. I would not have had the check unless it had. All these checks came to me from the bank—all that I have.

Representative BURKE. I notice it appears to have been on a spindle.

Representative STEPHENS. Did the bank furnish you a statement showing the number and the amount of the checks, such as they usually issue at the request of the depositor, showing the amount of money on deposit, the amount of the checks, to whom drawn, and all that?

Mr. THACKERY. When they do submit a statement and return these canceled checks, it would show the balance on hand and the checks drawn from that time back to the previous statement.

Representative STEPHENS. Was this charged against you on the bank's statement?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Do you know who wrote that word "paid" across there in pencil?

Mr. THACKERY. I do not; no, sir.

The CHAIRMAN. Do you personally know John W. Jones?

Mr. THACKERY. Yes, sir; I know his signature.

The CHAIRMAN. Did you ever ask him about this before?

Mr. THACKERY. I did not know it until Mr. Keating called my attention to it the other day. I had never seen it before.

The CHAIRMAN. The next check was to this same Indian, No. 610, for \$175, and that appears to be in the same condition, not marked paid by the bank.

Representative BURKE. Before you leave No. 993, I should like him to state, if he knows, what that was for.

The CHAIRMAN. Do you know what that was for?

Mr. THACKERY. Not without looking it up. [Examining stub book.] No, I do not. I presume it was given to him in cash. The stub does not show any notation.

Senator LANE. Did you not keep an account of what they were for?

Mr. THACKERY. Not in every case; no, sir. I paid it in cash in some cases where they demanded it, and trusted it to them.

The CHAIRMAN. This check for \$175, No. 610, to Mo-sha-she, does not appear to have been stamped or marked paid at all. Do you know about that?

Mr. THACKERY. I do not.

The CHAIRMAN. On that check you are one of the witnesses to the mark of the Indian, and R. F. Anderson is the other. His indorsement also appears on the check. Do you know what that check was for and whether it was ever paid?

Mr. THACKERY. It was for a horse—I looked it up yesterday, at the request of Mr. Keating, and the stub shows, I think, that it was for a horse and something else. I remember this man R. F. Anderson was a farmer. I presume he is still living in that locality, but why the check is not stamped paid I do not know. I know it went to the bank and came to me. [Examining stub book.] The stub is marked "one-half on a team and harness."

The CHAIRMAN. Have you any recollection of the transaction further than you have stated?

Mr. THACKERY. No, sir; I have not.

The CHAIRMAN. The next is the case of Tah-pah-she, page 68 of your ledger. I find here a notation that he was overpaid \$10.

Mr. THACKERY. It was just an error in addition. I tried to collect that money, and never got it back.

The CHAIRMAN. You discovered that error?

Mr. THACKERY. Yes; I had a notation here of that.

The CHAIRMAN. In the case of Na-mah-che-tha-quah, check No. 1137 for \$25 appears to be missing. Have you any recollection of that transaction?

Mr. THACKERY. No, sir; there are two checks in her account for the same amount missing.

The CHAIRMAN. The other check does not appear to be numbered from the stub.

Mr. THACKERY. What is the page, please?

The CHAIRMAN. It does not appear what page it is.

Mr. THACKERY. The checks are both missing. I do not have any personal recollection about that at this time. I am satisfied I can find the checks in the bank. They were drawn in August, 1910.

The CHAIRMAN. What date?

Mr. THACKERY. August 6, 1910. They were payable to two heirs. This woman had died, and they were payable to her two daughters.

Representative BURKE. Is that all in that account?

The CHAIRMAN. Yes.

Representative BURKE. Were those the last two payments made?

Mr. THACKERY. Yes, sir.

Representative BURKE. Is the account closed?

Mr. THACKERY. Yes, sir.

Representative BURKE. And no claim has been made of any balance due?

Mr. THACKERY. No, sir.

The CHAIRMAN. In the case of check No. 992 for \$30 to Me-thup-pe-hah, it appears that this check was supposed to be witnessed by the cashier and not marked paid by the bank on which it was drawn. Do you know about that?

Mr. THACKERY. No, sir; nothing more than what the check shows.

The CHAIRMAN. The check was charged to you?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Of course, you have no means of knowing whether the amount of the check was ever actually paid to the Indian?

Mr. THACKERY. No, sir. I know it went through the bank, because it is witnessed by the cashier. It has the signature of the cashier of the bank on the back of it, and it shows it has been punctured by the spindle on which they stick their checks, but it is not marked paid by the bank.

The CHAIRMAN. The next check is No. 1052, for \$20, to Ke-check-ko-thah. That check was not marked paid by the bank. Is it indorsed?

Mr. THACKERY. That check went through our own office and evidently was cashed in our office.

The CHAIRMAN. That bears your signature as superintendent to the mark, and your stamp as superintendent and special disbursing agent.

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Have you any recollection about it?

Mr. THACKERY. No; I have not.

The CHAIRMAN. Does your record show what it was for? Have you any record of what it was for?

Mr. THACKERY. I do not think I have that stub here.

Senator TOWNSEND. This check was drawn on the Shawnee National Bank?

Mr. THACKERY. Yes, sir; all of them were. It shows here to have been punctured by the spindle.

Senator TOWNSEND. But there is nothing there to show that the bank ever paid it?

Mr. THACKERY. No; there is nothing there. My statement will show that, I am satisfied.

The CHAIRMAN. Your statement from the bank?

Mr. THACKERY. My bank statement; yes, sir.

Representative STEPHENS. You have not that here?

Mr. THACKERY. No; I wired for it; but for some reason it was not included with these papers. I wired for everything pertaining to this matter, and I presume Mrs. Thackery did not find it.

Representative STEPHENS. This identical matter has been charged up against you?

Mr. THACKERY. Yes, sir; it has been charged against me.

The CHAIRMAN. How do you know? Have you ever checked that account?

Mr. THACKERY. I would not have had the check unless it had come through the usual channel.

Senator TOWNSEND. You paid this check at the office there?

Mr. THACKERY. Yes, sir; that is what I should suppose from the indorsement.

The CHAIRMAN. How, did it ever get to the bank, then?

Mr. THACKERY. This must have been deposited in the Bank of Commerce, in Shawnee, where I kept my official deposit.

Representative BURKE. You took cash out of the drawer, as I understand it, and then used this?

Mr. THACKERY. Yes, sir. We did that in a number of cases, and I think in every case where this rubber stamp—I think in every case of that kind we cashed the check for the Indian at the office, and then this check went through the Bank of Commerce and around through the Shawnee National Bank. But why it is not stamped I do not know.

The CHAIRMAN. It appears that several checks were issued to Mah-ka-tah-ko-thah: No. 35 for \$20, No. 36 for \$10, No. 39 for \$15, No. 40 for \$10, and No. 41 for \$95. All these checks are missing. Do you know about that?

Mr. THACKERY. No, sir; I do not. I only know I have not got them.

The CHAIRMAN. Have you the stubs?

Mr. THACKERY. Yes, sir; I think I have—for most of them, anyway.

The CHAIRMAN. Number 35 is the first. [Reading from stub.] "Expense of trip to Douglas, Ariz., and return, \$75.75."

Mr. THACKERY. It should be No. 1135.

The CHAIRMAN. How much was that for?

Mr. THACKERY. \$20; No. 1136, \$10; No. 1139, \$15; No. 1140, \$10; and No. 1141, \$95.

The CHAIRMAN. Does your record show what that was for?

Mr. THACKERY. No, it does not.

The CHAIRMAN. Have you a stub of it?

Mr. THACKERY. No, I have not.

The CHAIRMAN. Do you know how it happens you have neither stub nor check?

Mr. THACKERY. No; I have the stub, but I have not got it here. It was apparently overlooked.

The CHAIRMAN. In the case of Mah-squah-ko, page No. 112 of your record, check No. 1068 for \$100, that check is not marked paid by the bank.

Senator TOWNSEND. All these checks that are not marked paid by the bank are still claims against the United States Indian agency, are they not?

Mr. THACKERY. No, sir; they are claims against me as trustee.

Senator TOWNSEND. You drew these in the name of the United States Indian agency?

Mr. THACKERY. No; they were drawn by me as trustee in every case. Most of these that are not stamped paid, Senator, have the signature witnessed by the cashier of the bank. I am sure that the failure to stamp the check paid on its face is simply an oversight or an error of the bank.

Representative BURKE. It is a very common thing. I can show you one or more checks in my bank account every month that are not stamped.

The CHAIRMAN. This is witnessed by John W. Jones, who is supposed to be the same cashier who witnessed the other checks, is he not?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. Page No. 142 of your ledger, the account of Mack Downs. Check No. 881, it appears, was for \$100, "to correct error." What error was that?

Mr. THACKERY. I do not recall now.

The CHAIRMAN. Have you any memorandum concerning it?

Representative BURKE. It does not show anything here on the stub.

Mr. THACKERY. There is no notation here.

The CHAIRMAN. What does your account show with reference to that?

Mr. THACKERY. It shows that after his account was closed \$100 was deposited and \$100 checked out. I do not recall now why that was.

The CHAIRMAN. Have you any way of refreshing your memory about it?

Mr. THACKERY. I do not know what it would be, unless I talked to him or his brother.

The CHAIRMAN. What is this pencil note there?

Mr. THACKERY. "Transcribed to guardian account."

Representative STEPHENS. Was his estate being administered upon by you?

Mr. THACKERY. I was his guardian; yes, sir. All of this was accounted for in my guardian account.

The CHAIRMAN. Check No. 617 for \$82.50. Have you that check? Do you know Mack Downs's indorsement when you see it?

Mr. THACKERY. He signs by mark.

The CHAIRMAN. This is not signed by mark?

Mr. THACKERY. No.

The CHAIRMAN. Do you know who wrote that indorsement on there?

Mr. THACKERY. No, sir; I do not.

The CHAIRMAN. What was that for?

Mr. THACKERY. I think that check was for a buggy and harness at a hardware store—the J. L. Roebuck Hardware Co.

The CHAIRMAN. It appears that the check is marked paid by the bank.

Mr. THACKERY. Yes, sir.

The CHAIRMAN. You have no further knowledge of the transaction than that?

Mr. THACKERY. No, sir; I have not.

Representative STEPHENS. The stub shows it was for a buggy and harness.

The CHAIRMAN. Page 150 of your ledger, in the account of Py-ah-tho, check No. 712 for \$2.50 appears to be missing. Then check No. 711 for \$40 appears to have been indorsed by mark, but no witness to mark. Do you know about that?

Senator LANE. What number was that?

The CHAIRMAN. Numbers 712 and 711 were \$2.50 and \$40, respectively. The smaller check is missing, and the \$40 check was indorsed by mark, not witnessed.

Senator LANE. Are there not a large number, or a good many, of those checks here that have no witness to the mark?

The CHAIRMAN. I am going through all of them.

Mr. THACKERY. I am not positive about that woman, but I do not think she could write her name. I think she signed by mark altogether, and I do not know whose signature that is.

Representative BURKE. Can you tell in these cases whether there was a guardianship or not?

Mr. THACKERY. Yes, sir.

Representative BURKE. I wish you would state that in each instance where these checks are referred to.

Mr. THACKERY. I was guardian in this case, and I accounted for the whole amount as guardian.

Representative BURKE. That is important in connection with all these cases.

The CHAIRMAN. Page 134, Millie Stevens, check No. 826, for \$150. It appears that this check was not marked paid. Will you let me see that? (After examining check.) I find a notation on this check No. 826 for \$150 to Millie Stevens, not marked paid by the bank, "Recovery of land and court costs." The check bears the indorsement, apparently, of Millie Stevens in her own handwriting, and the Shawnee National Bank, of Shawnee, and the First National Bank of Cloud, Okla. Do you remember about that check?

Mr. THACKERY. I would not say that I do especially, more than it is my recollection that the check was drawn to provide her with money to make a tender back to whoever claimed to have purchased her land. In cases where we filed a suit to recover the land; that is, in cases where it appeared the Indian had actually received any money, in filing a suit we tendered the money back.

The CHAIRMAN. Were the amounts accepted?

Mr. THACKERY. I do not think they were accepted in any case.

The CHAIRMAN. What became of the money then?

Mr. THACKERY. If the amount was small, they kept it.

The CHAIRMAN. In cases of that sort, where it was \$150, was it not repaid to the trustee? Or was it ever done?

Mr. THACKERY. I would not be sure, now. There were only four or five cases of that character. I do not think any of it was repaid.

Representative BURKE. The stub of check No. 826 has this memorandum: "Recovery of land, \$120; court costs, \$30." Can you state whether or not that \$120 was for services of attorneys?

Mr. THACKERY. It was not.

Representative BURKE. The \$30 court costs would be money paid out, I presume, and that would not be returned to anybody, would it?

Mr. THACKERY. No, sir.

The CHAIRMAN. In the case of Andrew Whipple, is there still a balance due him?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. How much?

Mr. THACKERY. \$250.

The CHAIRMAN. Why has his account not been settled?

Mr. THACKERY. He was an adopted Kickapoo, and at the time his account was about to be closed up it was discovered that he had disposed—he had sold a team of mules with the Government brand on them, which was unlawful for him to do, and I refused to pay him the \$250 until he returned the mules. Soon after that he disappeared, and at the time I left Shawnee he had not been heard of yet.

Senator LANE. Did he take the mules with him?

Mr. THACKERY. He had sold them before he left.

Senator LANE. Did the Government recover them?

Mr. THACKERY. No, sir.

The CHAIRMAN. What were they worth?

Mr. THACKERY. \$250 is the amount the Government had paid for them. They were bought and issued to him with the Government brand on them.

The CHAIRMAN. And he had not paid for them?

Mr. THACKERY. No; they were issued to him in trust with the Government brand. He was not allowed to dispose of them.

Senator LANE. What are you going to do with that fund?

Mr. THACKERY. Mr. Buntin tells me he knows where the fellow is. It was finally discovered that he joined the Army. Mr. Buntin tells me he has heard of that.

Mr. BUNTIN. He is at Pueblo, Colo.

Senator LANE. What was your intention? To cover this into the Treasury?

Mr. THACKERY. My intention was simply to make him bring back the mules.

Senator LANE. But he did not do it, and you retained the money?

Mr. THACKERY. I retained the money.

Senator LANE. Where is that money now?

Mr. THACKERY. It is in the Mesa City Bank, Mesa City, Ariz.

Senator LANE. And it never was turned into the Treasury?

Representative BURKE. It could not be.

Senator LANE. And it will stay there indefinitely, will it?

Representative BURKE. It is just another incident connected with legislation that Congress has enacted.

Senator TOWNSEND. How could the Indian return the mules?

Mr. THACKERY. He could go and settle with the man he had sold them to.

Senator TOWNSEND. Do you know who bought the mules?

Mr. THACKERY. No; I do not.

Senator TOWNSEND. He did not have a right to buy them, anyway?

Mr. THACKERY. No, sir.

Senator TOWNSEND. Did you ever attempt to prosecute the fellow?

Mr. THACKERY. I could not find out who he was. This fellow admitted selling them somewhere in the Indian Territory, but I could not locate them.

Senator LANE. Are you sure he sold them? How do you know he sold them?

Mr. THACKERY. He said he did.

The CHAIRMAN. I see a small check, No. 717, for \$6.90, to Joseph Murdock, which does not appear to be among your vouchers here.

Is that the same Joseph Murdock that has been here as an interpreter?

Mr. THACKERY. Yes, sir. I was legal guardian in his case and accounted for all his funds.

Representative BURKE. Before you leave that, does the statute which makes it an offense to purchase I. D. property from an Indian extend to the Indian himself selling it?

Mr. THACKERY. I am not sure about that.

Mr. BENTLEY. No; it does not.

Representative BURKE. Then this Indian could not have been prosecuted?

Mr. THACKERY. No, sir. He was an adopted Indian and, to every practical purpose, a white man, and I believe he should be required to return the mules.

Representative BURKE. There is no question about that.

The CHAIRMAN. Page 180 of your ledger, the following checks to Wah-pah-no-kah: Check No. 1079, \$25; No. 1057, \$20; No. 1048, \$40; No. 1088, \$40.10; and No. 922, \$69.40. It appears that these were indorsed by mark, but that there was no witness to the mark.

Senator LANE. Here is check No. 1079. I have been picking some of these out. Here is a check drawn in favor of Wah-pah-no-kah with no witness to his mark. Is that all right? Is that proper?

Mr. THACKERY. No, sir; it is not proper.

Senator LANE. That is not the only one; I notice a number payable to Wah-pah-no-kah. There are five of those, and there is no sign there that Wah-pah-no-kah ever received that money, and there is no evidence that he knew anything about that transaction.

Mr. THACKERY. It is true that none of those are witnessed. However, they are all marked paid by the bank and the bank would be responsible to me if the payment is improperly made.

Senator LANE. Yes, but you are responsible to the Indian and to us?

Mr. THACKERY. I drew this check payable to the order of this Indian and gave it to her, and it bears not only the stamp of the bank showing that it was paid, but it has the puncture there in the check also, showing that it had been through the bank. Now, if it can be shown that the Indian did not get the money, the bank is responsible for it.

Senator LANE. Yes, but it would be a rather difficult thing to show that. It ought to show on the check that the Indian did get the money.

Mr. THACKERY. Of course, I was located $2\frac{1}{2}$ or 3 miles from town and I could not follow every Indian over there.

Senator LANE. No, but you could make a request of the bank that they have these signatures verified?

Mr. THACKERY. Well, we did that, but in a case where there are so many checks—

Senator LANE. There are not any large sums; I think the highest is \$69, but there is nothing on the check that shows that that Indian ever received the money, or what it was given to him for. What did he buy with this, do you suppose? What was this issued for?

Mr. THACKERY. I could not tell at this time.

Senator LANE. What do you suppose?

Mr. THACKERY. They were used for her provisions and support. I think this woman—her husband built a house on her husband's allotment.

Senator LANE. Were these payments on a house?

Mr. THACKERY. I know that payments out of this particular fund helped to build a house. The indorsement on these checks is in the handwriting of an officer of the Shawnee National Bank, which can be easily established.

Senator LANE. If they had purchased any groceries they would have received a bill for it, would they not? Did you not have bills turned into you?

Mr. THACKERY. No, sir; we did not go that far with it. I could not assume so much responsibility as that in connection with the other work which I had.

Senator LANE. Are these all made out in your handwriting?

Mr. THACKERY. The face of them?

Senator LANE. Yes.

Mr. THACKERY. Most of them are.

Senator LANE. Did you have a clerk to help you?

Mr. THACKERY. Not in this particular matter, with the exception, perhaps, of a very few occasions.

Senator LANE. How many checks are there in all here in your trusteeship?

Mr. THACKERY. I should say 1,500 or 2,000.

Senator LANE. Running over a period of how many months?

Mr. THACKERY. Possibly two years.

Senator LANE. That would not entail a great deal of clerical work. To keep pretty close track of that number of checks would not tax a man's time very greatly?

Mr. THACKERY. If you are going to go into every little item the Indian wanted to purchase, it would take a great deal of time, especially when we were already burdened with all the work we could do.

Senator LANE. Would you pay this to the Indian after he had made a purchase of groceries or give him the money to make a purchase with?

Mr. THACKERY. Where an Indian was going to buy groceries, we asked them as they came in for their money, "What do you want it for?" and if it was a matter of groceries or household supplies we gave them a check without saying much more about it.

Senator LANE. Had you ever thought of the idea of giving him an order on the grocer, stating that it would be good for a certain amount at any grocery store, and having that returned to you O. K.'d?

Mr. THACKERY. I did not think then and I do not think now that that would have been advisable, because that would have subjected us to charges of favoritism. If we gave it to the Indian—

Senator LANE. I said, to any store.

Mr. THACKERY. I understand, but it would not have mattered what store we would have given that on, we would have been charged with favoritism.

Senator LANE. That is not a fair answer to my question.

Mr. THACKERY. You are asking if this thing occurred to me. It did occur to me, but it was not followed for the reasons which I am trying to give. In handling small amounts of money I suppose the Indian acquires a business experience or education, and I do not think that he can be placed upon his own responsibility if you are going to follow him up and see to every little bit of expenditure. Perhaps it may be that being cheated once in a while will be the best experience that can come to him.

Senator LANE. He has been cheated consistently for a long time, and he ought to be an experienced business man by this time if that is true.

Now then, did you, on the other hand, make any request of the grocers or the Indians that the receipted bills be returned to you for a voucher in any case?

Mr. THACKERY. No, sir.

Senator LANE. You gave him a check, and then he went to the bank and drew the money, did he?

Mr. THACKERY. Not in all cases.

Senator LANE. I find mostly that he did, though, did he not?

Mr. THACKERY. No, sir; not most of them.

Senator LANE. Do you find many of the grocers' indorsements, and other business men's indorsements on these checks?

Mr. THACKERY. A good many of them; yes, sir.

Senator LANE. Very many?

Mr. THACKERY. A large number; yes, sir.

The CHAIRMAN. About what proportion, would you suppose?

Mr. THACKERY. I should say three-fourths of them bear the indorsements of merchants or farmers.

Senator LANE. I had not noticed that.

Mr. THACKERY. The ones you have there are the ones the examining committee took exception to. Every one you are speaking of is noted on this list.

The CHAIRMAN. Those are the checks I have just been asking about.

Representative BURKE. In connection with this Indian, Wah-pah-no-kah, was there a guardianship in this case?

Mr. THACKERY. No, sir.

Representative BURKE. She was one of the homeless Indians. The other Indians contributed the amount shown. Has Wah-pah-no-kah or anybody for her ever made any claim to you that she did not receive the money represented by these checks?

Mr. THACKERY. No, sir; none of them have. I have been away from there for two years and a half, and Supt. Buntin, who is present, has had charge of that. I should be glad if the committee would inquire of him.

Representative BURKE. I will ask the other gentleman, then, whether or not this Indian has made any claim or representation that she did not receive the money that that check represented?

Mr. BUNTIN. She has not to me.

The CHAIRMAN. Did you ever hear her say anything about the checks?

Mr. BUNTIN. No, sir.

The CHAIRMAN. Do you know of your own knowledge whether such checks were ever issued or not?

Mr. BUNTIN. No, sir; I do not.

Senator TOWNSEND. Did these Indians know what was coming to them?

Mr. BUNTIN. I believe they did. A number of them have talked to me about it.

Senator TOWNSEND. Do you think that the Indians universally knew how much money was due them out of this trustee fund?

Mr. BUNTIN. A number of them have told me the amount that was due them.

Representative STEPHENS. Do you know this woman, Wah-pah-no-kah?

Mr. BUNTIN. No, sir.

Representative CARTER. Mr. Thackery, I want to ask you a question about the payment of these checks. How far did you say your agency was from the bank?

Mr. THACKERY. About two miles and a half.

Representative CARTER. You gave the check to the Indian, as a rule, and he took it to some other person to be cashed?

Mr. THACKERY. Yes, sir.

Representative CARTER. You only cashed the small checks where you gave the Indian money for his immediate use? Or did you do that?

Mr. THACKERY. We cashed a few at the office at the request and for the convenience of the Indian, but they were in all cases, so far as I recall now, small checks. We did not carry much cash on hand.

Representative CARTER. You told the Shawnee National Bank, on which these checks were drawn, that you wanted the Indian to have his mark witnessed, did you?

Mr. THACKERY. Oh, yes; we called their attention to that in a number of cases. I know in the first few bank statements that came back there were a few that I did not consider properly witnessed, and I returned them to the bank and called their attention to it, and told them that they must assume the responsibility in those cases. These others that came back came at a later day, and they have not been reviewed by me until this examination.

Representative CARTER. What was done when you returned them? What do you mean by turning them back?

Mr. THACKERY. I asked the bank officer who had signed the Indian's name on the back to put his name with it as a witness. I did that in a few cases.

Representative CARTER. But he has not done it in these cases.

Mr. THACKERY. These have not been called to his attention, I suppose.

Representative CARTER. When did you first notice that these were not properly indorsed?

Mr. THACKERY. Two or three days ago, when Mr. Keating, Mr. Williams, and Mr. Murphy here in this room were examining them.

Representative CARTER. I find one check here for \$100 to Wah-pah-no-kah that has not any indorsement on it at all, and it is payable to order.

Mr. THACKERY. Yes; it has the stamp of the bank on the face, marked "Paid."

Representative CARTER. It has the stamp of the bank, but they did not have it properly indorsed. You disclaim any responsibility for the bank doing that?

Mr. THACKERY. Yes, sir; the bank is responsible to me for the wrong payment of the money.

Senator LANE. I notice here the case of Ah-ten-y-teek. Do you know such an Indian?

Mr. THACKERY. Yes.

Senator LANE. Is that his name?

Mr. THACKERY. Yes.

Senator LANE. A check is paid to him. In many cases he has signed by mark with a pen, and in a large number of others he has signed his own name.

Mr. THACKERY. You will find that in several cases. He can sign his own name.

Senator LANE. Why should he not do so at all times?

Mr. THACKERY. Just because he prefers not to if he cashes his check with somebody that does not know that he can sign it.

Senator LANE. Who was W. F. Dickens?

Mr. THACKERY. He was a clerk in the office.

Senator LANE. Your office?

Mr. THACKERY. Yes sir.

Senator TOWNSEND. Did every one of these Indians understand how much money was coming to them?

Mr. THACKERY. You mean, did they understand the amount coming to them in each case? Yes, they did.

Senator TOWNSEND. And do they now?

Mr. THACKERY. Yes, they understood the amount that was coming to them, and almost every time when they came in to get a check they would ask how much they had left.

Senator TOWNSEND. They would not know?

Mr. THACKERY. They would not know accurately, no. They would have a sort of way of keeping track of an account, mostly by memory. They can not read or write.

Senator TOWNSEND. But there was an opportunity to defraud Indians who did not know how much money they had and kept no track of what they had due them?

Mr. THACKERY. There was.

Senator TOWNSEND. Then it was of the utmost importance that every possible check should be employed, was it not?

Mr. THACKERY. Yes, sir.

Senator TOWNSEND. Now, here are some checks that have not been indorsed, checks that have not been witnessed where the signature was by mark, checks that the bank's "paid" stamp is not on. It would be possible, would it not, for those checks to have been issued by you and payments never made to the Indians at all; and unless they were able to prove that they had not received the money, or not knowing that they had the money coming, should never make any attempt to prove it, they would be defrauded out of their money?

Mr. THACKERY. That would be possible; yes, sir. But I call your attention to the fact that the number of checks and the amounts represented in those checks to which any exception has been taken are very small compared with the whole account. They represent comparatively a very small part of the total, and in the cases you speak of where some of the checks are not stamped paid by the bank the indorsement of the bank is witnessed by the cashier of the bank, and it is evident that his failure to stamp it paid was simply an oversight.

Senator TOWNSEND. Even in that case it might have been paid to the wrong man.

Mr. THACKERY. There is always that possibility in any of our financial dealings with the Indians.

Senator TOWNSEND. I see that, and that is what impresses me very strongly with the need of every possible check in order to disclose whether this money was properly distributed.

Mr. THACKERY. You understand, I think, that I realized that in the beginning. In the first place, I did not want to assume the trusteeship, and at the council which decided who was to receive this money and dispose of it for the Indians—at which council there were present Inspector McLaughlin, of the Interior Department, and Gen.

Hugh L. Scott, of the Army—we all tried to get those Indians, the Oklahoma Indians, to name Secretary Garfield, then Secretary of the Interior, as their trustee; and they objected to that because he was so far away, and insisted that some one at Shawnee should have their money where they could go and get it as they needed it without delay. Then, after it was decided by unanimous vote of those people that I should be trustee for those in Oklahoma, I came here to Washington and executed an official bond to cover this total amount, and asked for its approval; but the act of Congress had been so worded that the comptroller held that that could not be done.

Senator TOWNSEND. I understand that. Now, supposing some lawyer, some claim agent, or somebody else goes out among those Indians, and makes out some pretty good cases to the effect that they have not received their money, what protection have you?

Mr. THACKERY. I have all of these vouchers, these canceled checks, and the bank statements, showing that it was paid in accordance with this act of Congress.

Senator TOWNSEND. Have you settled with the banks?

Mr. THACKERY. Not entirely; no.

Senator TOWNSEND. Have you statements from the banks stating they have paid all these sums representing these checks here?

Mr. THACKERY. Yes, sir.

Senator TOWNSEND. Do you think the bank would be responsible to the Indian, then, on these checks?

Mr. THACKERY. The bank would have to be responsible for any wrong payment on any check which bears their stamp.

Senator TOWNSEND. But those which do not bear their stamp—

Mr. THACKERY. In those cases I presume I am responsible as trustee, but the amount in those cases would not be over \$200 or \$300 at the outside.

Senator LANE. How did the Indians make their marks in signing by mark?

Mr. THACKERY. At that time the practice was simply to touch the pen.

Senator LANE. Merely touch the pen?

Mr. THACKERY. The person signing their name would write it, and then put the X there, and hold the pen there while they touched it.

Senator LANE. The Indian would not make the cross at all?

Mr. THACKERY. He did not actually make the cross.

Senator LANE. I noticed that. These marks are made, the majority of them, by one person.

Senator TOWNSEND. I do not know what the law is there, but with us the law is that anybody can authorize another to sign his name. If that can be shown—

Senator LANE. But it would have to be shown in each individual case.

The CHAIRMAN. There are a few more checks here that you have not been specifically asked about. Check No. 477 for \$36.80, page 180, was given to Ke-nah-ke-the-quah. (After examining the check.) That does not appear to have been indorsed by the Indian at all, but is indorsed by James H. Wood. Do you know him?

Mr. THACKERY. No, sir; I do not know him. The check stub in that case shows it was for a sewing machine.

The CHAIRMAN. Now, page 162 of your record, check No. 859 for \$199.50, to Nah-mah-go-the. That is indorsed by mark, and the mark is not witnessed. [After examining the check.] That appears stamped paid by the bank, October 14, 1908, but the mark of the payee is not witnessed. You have no personal knowledge of that transaction other than stated?

Mr. THACKERY. No, sir; I know that the Indian could not sign his name.

The CHAIRMAN. You know him, do you?

Mr. THACKERY. Yes.

The CHAIRMAN. Do you know what that was for?

Mr. THACKERY. No, sir; I do not. He was a nonresident Indian who lived at the Kiowa and Comanche Agency. He was one of the homeless Indians that the other Indians took care of. I only knew him slightly. He made a trip over there on that occasion and drew the balance of his money. I do not know what it was for. He went back home with it.

The CHAIRMAN. The following checks were drawn to Me-she-kah-tah-no: No. 1045, \$100; No. 1032, \$50; No. 920, \$200; making in all \$350. All those checks appear to have been indorsed by mark and the mark not witnessed. Do you know who actually indorsed that, Mr. Thackery?

Mr. THACKERY. No, sir; I do not.

The CHAIRMAN. Do you know whose writing that is in the indorsement?

Mr. THACKERY. No, sir.

The CHAIRMAN. Or this check, No. 1032?

Mr. THACKERY. I could not be sure. I am reasonably sure it is a man named Askew, assistant cashier in the Shawnee National Bank.

The CHAIRMAN. Are they both apparently indorsed by the same person?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. There is one more yet, and that, apparently, is indorsed in the same way by the same person?

Mr. THACKERY. Yes, sir; they are all marked "paid" by the bank. As to why they were not witnessed, I do not know.

The CHAIRMAN. In the account of Tah-nah-ke-ah, page 148, it appears that there was an error there of \$50. Is that in your favor or in the Indian's favor?

Mr. THACKERY. Mine.

The CHAIRMAN. Do you know how that happened?

Mr. THACKERY. No, sir; excepting that it must have been a mistake in addition.

Senator LANE. What was the total amount of his account?

Mr. THACKERY. \$1,198.24.

The CHAIRMAN. Now, in your ledger accounts it appears that two items have been disclosed where mistakes were made in your favor and two other items where the mistakes were in the Indians' favor. Did you undertake to verify the computations as to these accounts? What verification did you make of them?

Mr. THACKERY. They have not been added on a machine until the accounting a few days ago. The additions previous to that had just been by running up the column personally. There were four mistakes found in the 85 or 90 accounts.

The CHAIRMAN. Where these checks were issued by you, what precautions, if any, did you take to see that the Indian actually received the money or the benefit of the check? Did you undertake to follow the check or the money into the hands of the Indians and see what they did with it?

Mr. THACKERY. As to the larger amounts, yes, we did do all we could to see that it went to a good purpose. If they were buying stock or implements of any considerable value we required the person from whom they were to purchase the goods either, in the case of stock, to bring it to the agency and we would send an employee out to inspect it, or, in the case of hardware, we would send somebody to look it over to see that the Indian got value for his money. In the case of improvements on their land, that was usually supervised by one of the district farmers or other employees of the agency. We built some 15 or 20 houses. We also built a number of sheds and fences and other improvements of that character, all of which was supervised by some employee.

Senator LANE. What would be the average cost of the houses?

Mr. THACKERY. About \$550 to \$600, or something like that. They were mostly four-room houses, frame, usually having two porches at least, and they were finished with plaster.

The CHAIRMAN. How often was your account as trustee balanced with the Shawnee National Bank?

Mr. THACKERY. I do not think it was at any regular period. I remember asking for a balance several times, and I think they only furnished it at irregular periods.

The CHAIRMAN. What investigation did you make to determine whether or not the bank was keeping a correct account, and whether or not the checks which you issued were actually being paid?

Mr. THACKERY. I had a man named Grecian—Isaac Grecian—to go over the larger bank statements and check them up with my stubs and this book which I have here.

The CHAIRMAN. Did he discover any of these checks that were not properly indorsed, or any of them that were not marked paid by the bank?

Mr. THACKERY. Yes, sir; he found a few of them.

The CHAIRMAN. What did you do about that?

Mr. THACKERY. We called the attention of the bank to it. I do not remember discovering any that had not been stamped paid, but I do remember we discovered a few that had not been properly witnessed on the back.

The CHAIRMAN. What did you do about that?

Mr. THACKERY. We took them over to the bank and asked them, whoever had written the Indian's name to witness it.

Senator LANE. Was it not your more important duty to look out for that portion of the check wherein the Indian's signature was attached to it, rather than to the bank's statement?

Mr. THACKERY. We called the Indians in and asked them, in many cases, Senator, and the check was there, and they had received the money.

Senator LANE. It would seem to me that as a trustee for the Indian it would be your duty to protect him even against the bank, if it was necessary.

Mr. THACKERY. Certainly.

Senator LANE. And even though the mark of the bank showed that they had paid it, if it was not properly indorsed, would immediately put you to work finding out how the Indians had been represented in the matter.

Mr. THACKERY. We inquired of the Indian in any case where there was any question of that kind.

Senator LANE. I think you have stated here that the stamp of the bank that it had been paid and the fact that it had been filed was sufficient evidence to you——

Mr. THACKERY. No, I did not intend you to understand me that way. What I intended to say about that was that the stamp of the bank made the bank responsible to me or to the Indian if a mistake could later be shown.

Senator LANE. If it could be shown, but it would be very hard to show that at this time, would it not? You have a large number now.

Mr. THACKERY. It is not a large number, Senator——

Senator LANE. You have a large number where the name has not been properly certified?

Mr. THACKERY. I do not consider it a large number in comparison with 2,000 checks. I consider it very small. There are not over 10 or 15 at the outside, to which any exception is made.

The CHAIRMAN. You are mistaken about that.

Mr. THACKERY. The list shows——

Representative BURKE. You mean 10 or 15 Indians?

Mr. THACKERY. Ten or fifteen accounts.

The CHAIRMAN. There are more than that. There are 25 accounts, and some of those accounts cover as many as five checks that are excepted to. Some of them have only one that is questioned.

Mr. THACKERY. Some of those, however, show overdrafts. There are a couple of them.

The CHAIRMAN. Yes, there are two overdrafts, as I pointed out before: two mistakes in favor of the Indians and two against them.

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What I want to find out is, when you discovered that a check you had given one of these Indians had not been properly indorsed, what action did you take to find out why the Indian had received the money?

Mr. THACKERY. We inquired of the Indian about it, and then talked with the bank also.

The CHAIRMAN. Do you remember the explanation that was offered as to any of these checks?

Mr. THACKERY. I remember that in no case did I find that the Indian had not received the money named in the check.

The CHAIRMAN. And when that fact was ascertained, that the bank was paying money illegally and their attention was called to the error they had made, was it not then corrected?

Mr. THACKERY. It was done in the cases we called their attention to. These checks come in after this.

The CHAIRMAN. Notwithstanding you had raised this question as to the propriety of the manner in which they were paying these checks, after that the checks which we have called your attention to here were paid?

Mr. THACKERY. Yes, sir. There were some 8 or 10 employees in this particular bank, and these mistakes you call my attention to—

The CHAIRMAN (interposing). Did you find any instance where the check was cashed and the Indian only received a part of the money?

Mr. THACKERY. I do not recall any case of that kind.

The CHAIRMAN. By way of illustration, I will state that at some banks elsewhere the custom appears to be quite general of taking an Indian's note for, say, \$100, and giving him actually \$50, or taking his check for \$200, and paying him actually \$100; that is a practice that is quite common at some banks, not, however, so far as I know, any bank that you had dealings with. Did you find any case of that sort?

Mr. THACKERY. No, sir; not in that way.

The CHAIRMAN. It seems to be a systematic method of dealing with the Indians.

Representative BURKE. That is, that the Indian brings his check to the bank and the bank gives the Indian the note?

The CHAIRMAN. No; if the Indian takes a check to the bank to get it cashed, if the amount of the Indian's check is \$100, the bank cashes it and gives the Indian \$50; if the Indian borrows \$100 from the bank, he gives a note for \$200, and pays interest to the bank at 10 per cent, or 4 per cent in excess of the legal rate, and sometimes the interest is taken out in advance.

Representative BURKE. That is a revelation to me; I did not know anything of that kind was transpiring.

The CHAIRMAN. Nevertheless, it apparently happened at certain banks in Oklahoma; however, not at the Shawnee National Bank.

Representative BURKE. Mr. Thackery, I assume that the checks that you issued to these Indians, as a rule, were presented to the bank upon which they were drawn within a very short time after the check was issued, were they not?

Mr. THACKERY. Yes, sir.

Representative BURKE. So that when you received a statement with canceled checks, you would receive practically all of the checks that had been issued up to that time.

Mr. THACKERY. Practically all, yes; there were a few exceptions.

Representative BURKE. You seem to have your checks here, nearly all of them, and have them in very good order. Where are the statements that the bank made you when they returned canceled checks from time to time?

Mr. THACKERY. They are either at Shawnee, Okla., or at Sacaton, Ariz.

Representative BURKE. Can you produce those statements?

Mr. THACKERY. Yes, sir; I shall get them and send them to this commission at once.

Representative BURKE. I suggest, Mr. Chairman, that unless those statements are produced that the bank be called upon to furnish a statement from his account.

Mr. THACKERY. They can do that.

Representative BURKE. It is a matter that can very easily be checked up.

Mr. THACKERY. Before leaving Shawnee they were turned over to this Mr. Crecian, whom I mentioned, to go over the account and check

them all up, but whether or not he gave them back to me and whether I took them with me to Arizona or not I do not know. But I do know that in telegraphing for every account to be sent on, I supposed they would send all they could find, but those are not included with those that came.

Representative STEPHENS. Did you transfer your account from Shawnee, Okla., to Sacaton, Ariz., your trust account that you speak of?

Mr. THACKERY. Yes. There is only a small amount left, however.

Representative STEPHENS. About what balance was it that you transferred?

Mr. THACKERY. I do not remember exactly; I will have to look that up.

Representative STEPHENS. Have you paid out any funds since you came to Sacaton?

Mr. THACKERY. Not on this trust fund.

Representative STEPHENS. Have any of these Indians whose checks seemed to be irregular ever demanded payment of you?

Mr. THACKERY. No, sir.

Representative STEPHENS (addressing Mr. Buntin). Has any demand been made upon you for any of these checks which seemed to have been irregular?

Mr. BUNTIN. Only one Indian ever questioned that.

Representative STEPHENS. Who was that?

Mr. BUNTIN. Wah-sko-tah, who had been married, and who was the widow of Wah-squah-ko.

Representative STEPHENS. How much was that amount in question?

Mr. BUNTIN. Wah-squah-ko was killed by the train, the women's first husband, and she came down with her husband and claimed that he did not believe that the full amount had been received. He did not know, he said, because the man was killed by the train, and they wanted me to make inquiry whether or not Mr. Thackery had paid the full amount before he was killed, as they did not know. That is the only one they ever questioned.

Representative STEPHENS. Did you make the inquiry?

Mr. BUNTIN. Yes, sir; I made the inquiry.

Representative STEPHENS. What did you ascertain about it?

Mr. BUNTIN. Well, the information was that the account had been paid in full.

Representative STEPHENS. How did you get that information?

Mr. BUNTIN. From Mr. Thackery. I just took it up with Mr. Thackery and made inquiry of him, and then I have gone over his books to see and to notice the checks. This inquiry was recently made.

Representative STEPHENS. Then what report did you make to the Indian?

Mr. BUNTIN. I have not made the Indian any report. It has not been six weeks since the check was called in question.

Representative STEPHENS. What was the amount involved?

Mr. BUNTIN. The Indians told me that they knew that they had received \$600, and did not know whether any more had been received or not or had ever been paid to the man before he was killed.

Representative STEPHENS. Something like \$600?

Mr. BUNTIN. Something like that. They did not know for sure, and wanted to know whether he had got all his money before he was killed. That is the only account they ever called in question.

The CHAIRMAN. Is there any objection to this statement going into the record?

Representative STEPHENS. I think not.

The CHAIRMAN. Here is a condensed statement of the items that have been criticized.

Mr. THACKERY. I have no objections.

Representative STEPHENS. It is the matter we have been investigating all day.

(The statement here submitted by the chairman is as follows:)

MEXICAN KICKAPOOS—EXCEPTIONS TO THACKERY'S ACCOUNT.

Page.

4. Much-e-ne-ne, check No. 226, July 11, 1908, \$51.75 missing.
8. Wah-pe-ke-che, short on account \$25.
18. Wah-sko-tak, \$50 overpaid.
38. Stephen Mohawk, check No. 235, \$300, not legally indorsed.
38. Stephen Mohawk, check 486, \$33.19, payee's name indorsed by another person.
38. Stephen Mohawk, check No. 550, \$224.65, payee's name indorsed by another person.
38. Stephen Mohawk, check No. 779, \$25, payee's name indorsed by another person.
42. Peah-puck-o-he, check No. 409, \$52.19, no witness to indorsement.
60. Mack Johnson, check No. 221, \$21, check missing.
64. John Snake, November 27, 1909, \$161.09, cash payment.
6. Mo-sha-she, check No. 993, \$50, not marked paid by bank drawn on.
6. Mo-sha-she, check No. 610, \$175, not marked paid by bank drawn on.
68. Tah-pah-she, overpaid \$10.
70. Na-mah-che-tha-quah, check No. 1137, \$25, missing.
70. Na-mah-che-tha-quah, check (no number), \$25, missing.
74. Me-thup-pe-hahm, check No. 992, \$30, witnessed by person supposed to be cashier and not marked "paid" by the bank on which it is drawn.
88. Ke-check-ko-thah, check No. 1052, \$20, not marked "paid" by the bank.
100. Mah-ka-tah-ko-thah, checks 1135 for \$20, 1136 for \$10, 39 for \$15, 1140 for \$10, and 1141 for \$95, all missing.
112. Mah-squah-ko, check No. 1068, \$100, not marked "paid" by bank.
142. Mack Downs, check No. 881, \$100, to correct error, can not find how error occurred.
150. Py-ah-tho, check No. 712, \$2.50, missing.
150. Py-ah-tho, check No. 711, \$40, no witness to indorsement by mark.
134. Millie Stevens, check No. 826, \$150, not marked "paid" by bank.
160. Andrew Whipple, balance on hand in his favor of \$250.
170. Joseph Murdock, check No. 717, \$6.90, missing.
180. Wah-pah-no-kah, checks 1079 for \$25, 1057 for \$20, 1048 for \$40, 1088 for \$40.10, 992 for \$69.40; no witness to mark indorsement.
180. Ke-mah-ko-the, check 945, \$100, no indorsement.
180. Ke-mah-ko-the, check 477, \$36.80, no indorsement. Indorsement by Jas. H. Wood. Thackery does not know Wood.
162. Nah-mah-go-the, check 859, \$199.50, no witness to marked indorsement.
176. Me-she-kah-tah-no, check 1045, \$100, no witness.
176. Me-she-kah-tah-no, check 1032, \$50, no witness.
176. Me-she-kah-tah-no, check 920, \$200, no witness.
148. Tah-nah-ke-ah, \$50 short.

Senator TOWNSEND. What steps did you take to find out whether that man had received all of his money or not?

Mr. BUNTIN. I took it up with Mr. Thackery to learn whether he had received all his money or not.

Representative STEPHENS. Was there a letter from Mr. Thackery that he had received all his money.

Mr. BUNTIN. Yes; and then I examined his account on his books there to see just how it had been paid out.

Representative STEPHENS. Did you explain it to the Indian then?

Mr. BUNTIN. I have not. No; it was just recently the matter was taken up with me.

The CHAIRMAN. Both Mr. Thackery and Mr. Buntin were to leave the city to-day. I would like to complete the examination of both of them before they go.

Senator LANE. It is going to be a little difficult to do that.

I notice check No. 235. Do you know who that was to—"Stephen Mohawk, for support, \$300." That is what your stub shows. What do you mean by that? Let us see the check.

(At this point Mr. Thackery handed to Senator Lane a check.)

It says, "Paid cash, \$300, for Mohawk"—this is in lead pencil—and charged up to support.

Mr. THACKERY. I do not know definitely. I could not testify as to that now. As I have said, in some of these cases the Indian insisted on receiving cash, and under this law that appropriated this money he had undoubtedly a right to receive it that way, and I had not sufficient authority to compel them to spend it for purposes which I thought he ought to spend it.

Senator LANE. Why did you mark it "paid for support"?

Mr. THACKERY. Because he told me what that was for. He had been in Mexico for some time, and he had left bills here and there that had not been paid, and he wanted to pay up his bills here and there.

Senator LANE. And you really did not know much about it when you paid him?

Mr. THACKERY. I had his word for it. I did not know much about, perhaps, just what he would use it for.

Senator LANE. I was taking that as an indication. It means more to me than it would to some others, for the reason that I have handled such accounts as these myself, individual accounts, in large numbers, but I could not understand from such an indefinite explanation how the expenditure of the sum of \$300 was made. There is not a voucher or a bill, or anything, to accompany it; no requisition and no O. K'd bill, but just a statement "for support" in lead pencil on the stub and the check indorsed by the Indian. You submit this as trustee of an incompetent person. I believe you stated these Indians were all incompetent, but I see they can write, and some are not so incompetent but what they can write.

Senator TOWNSEND. The trouble about that is, the law turned this money over to him to spend just as he pleased.

Senator LANE. I know that—

Mr. THACKERY. Not as I pleased, but as the Indians pleased.

Senator LANE (continuing). But the manner of keeping his accounts—he owed it to himself to keep them so he could explain them; he owed that debt to himself; it was the greatest debt that he owed himself, greater than any other obligation of any other sort; and he also owed it to the Congress. Under existing conditions, anybody can come in here maliciously, if they want, and accuse him of having used this money personally, and he can not disprove it.

Mr. THACKERY. Yes, I can, Senator.

Senator LANE. You can do it with that check?

The CHAIRMAN. These checks of Stephen Mohawk were not indorsed by him at all, although his name is on them. The writing was done by his wife, who was formerly Effie Douglass, who appeared to have signed all the checks of Stephen Mohawk.

Mr. THACKERY. Not all of them.

The CHAIRMAN. That have been questioned here?

Mr. THACKERY. Yes.

The CHAIRMAN. And there are three of them, if I remember correctly. On the first she signed his name and then hers; and on the other two, she signed his name.

Senator LANE. These are questioned, you know, Mr. Thackery. There has been a question raised concerning them, and so we are entitled to an explanation of them, without prejudice.

Mr. THACKERY. My contention along that line, Senator, is this: That if this act of Congress had given me any authority at law where I could compel an Indian to spend his money for any particular purpose, then I would have had some authority on which to stand, and made a better showing, but under that law the Indian could come in and demand his money, and I was compelled to give it to him or stand a personal suit.

Senator LANE. Is that true under the law?

Senator TOWNSEND. The law provides —

Senator LANE. The law did not compel that Indian to give him a receipt?

Representative STEPHENS. This was a special act.

Senator LANE. He has a right to demand a receipt under any law.

The CHAIRMAN. There can be no question about his right to take a voucher in any reasonable form desired.

Senator TOWNSEND. He is only liable as to whether he did pay this money over to them or not. If it can be shown that he did not do it, he is liable for it.

Senator LANE. Nobody was trying to make him liable. I was trying to get an intelligent synopsis of these expenditures, so that we might report upon them.

I notice here in check stub No. 516, which is stated to be a debt to the agent of Sac and Fox Agency. Who is 516 according to your book?

Mr. THACKERY. 516 in favor of Pen-e-she, \$2.50.

Senator LANE. What did he owe the agent of the Sac and Fox?

Mr. THACKERY. I could not tell you now. I do not recall. It is marked there debt to an agent Sac and Fox.

Senator LANE. Can an Indian become indebted to an agent?

Mr. THACKERY. This Pen-e-she lived at Sac and Fox for many years. He was married to a Sac and Fox Indian, and I do not recall now what the account was for. Possibly he was up there and the agent gave him \$2.50 to get home with.

Senator LANE. Did you get an order from the agent asking you to pay this, or from the Indian to pay?

Mr. THACKERY. No, sir; that check was made payable to the Indian.

Senator LANE. Then, you do not know whether he paid his debt there or not?

Mr. THACKERY. He probably indorsed the check and we sent the check to the agent.

Senator LANE. You sent the check to the agent?

Mr. THACKERY. I will look it up.

Senator LANE. Do you remember about 713 to Py-ah-tho?

Mr. THACKERY. I remember about that one.

Senator LANE. Who is Wilson?

Mr. THACKERY. He was a special eye doctor in the city of Shawnee. I think he is still there.

Senator LANE. Did you take a bill from him—a receipted bill?

Mr. THACKERY. That check is his receipt. It has his signature to it.

Senator LANE. There is no bill there showing the number of treatments received, or anything of the kind.

Mr. THACKERY. Oh, no. This woman was nearly blind and he treated her eyes for quite a time.

Senator LANE. Did he cure her?

Mr. THACKERY. I do not know. I do not recall about that. I think he did; certainly he helped her.

Senator LANE. I have not had time to look these over; I have not had time to go through them. You want to get away to-night, do you?

Mr. THACKERY. To-night or to-morrow; and I wanted to go to-night.

Senator LANE. There are quite a number of these checks, I noticed, made in favor of a man named Graham.

Mr. THACKERY. There are none made payable to Graham; no.

Senator LANE. He has indorsed them?

Mr. THACKERY. Yes.

Senator LANE. Who is Graham?

Mr. THACKERY. He was a merchant.

Senator LANE. What kind of business was he in?

Mr. THACKERY. General merchandise.

Senator LANE. Did he handle stock?

Mr. THACKERY. Horses, do you mean, and cattle?

Senator LANE. Yes.

Mr. THACKERY. Yes; he handled some.

Senator LANE. Did he sell a good many horses to the Indians?

Mr. THACKERY. Well, not so very many.

Senator LANE. There was complaint made that he had or seemed to have the bulk of the trade in that line with the Indians, and that he sold them horses for fully all that they were worth, and then later on would buy those horses back from the Indians for much less and sell them again to other Indians, the same horses passing through his hands a number of times; that when the Indians got hard up they would sell them back to him. He sold them buggies and harness, too, did he not?

Mr. THACKERY. He sold them some buggies and harness; yes, sir.

Senator LANE. Did you ever hear any complaint of that kind against his transactions?

Mr. THACKERY. I do not recall of any with the Kickapoos. There were some with the Shawnees. There were a few cases where he took back the horses, but there were not very many such cases.

Senator LANE. Was he in any way connected with the Indian Department, or any of the people working under him connected with it?

Mr. THACKERY. No, sir. He had been in the mercantile business at Sac and Fox a number of years before that, where he may have had connection with the Government, in that he was a licensed trader there, but at Shawnee he was not a licensed trader at all.

Senator LANE. When you gave the Indian the money to purchase the horse and buggy and harness, he would come and tell you what he wanted, would he?

Mr. THACKERY. Yes, sir.

Senator LANE. What did they usually cost them? What were horses worth down there, buggy horses?

Mr. THACKERY. A buggy horse?

Senator LANE. Yes.

Mr. THACKERY. It depends entirely on the horse, Senator. You could buy a horse for \$50, or you could pay \$200 for buggy horses. We usually paid an average price of, I should say, \$250; in some cases we paid more than that.

Senator LANE. For a horse?

Mr. THACKERY. For a team.

Senator LANE. About \$125 apiece?

Mr. THACKERY. Yes. In some cases we paid as high as \$350 for a farm team, but they were first-class horses.

Senator LANE. Did you know cases where the Indian would buy a horse and buggy and harness, and then it would go right back into the hands of the dealer from whom he bought it, and then be sold to other Indians?

Mr. THACKERY. Very few such cases.

Senator LANE. You know of some such cases?

Mr. THACKERY. None were taken back and sold over again.

Senator LANE. Did you look over these horses yourself before they were purchased?

Mr. THACKERY. Not all of them. Myself or some of the district farmers or other Government employees did so.

Senator LANE. You thought they had good value for the money?

Mr. THACKERY. Yes, sir. There were only a few of those transactions by Mr. Graham, the man of whom you speak. The merchants or the farmers over the country sold more to the Indians than he did. They would buy direct from the farmers in many cases.

Senator LANE. I understood there were other traders there who complained that Graham had the bulk of the business in that respect.

Mr. THACKERY. They never complained to me. The only person who ever complained about that is Mr. Bentley, who is here.

Senator LANE. Mr. Bentley, do you know anything about that?

Mr. BENTLEY. I do not recall having done so.

Senator LANE. Did you ever hear of any complaint being made?

Mr. BENTLEY. The dealers in Shawnee complained to me.

Mr. THACKERY. Which one?

Mr. BENTLEY. Cover in particular complained to me that his stock did not seem to meet the Kickapoo requirements; that Graham might have something to do with it. There was a good deal of complaint to me.

Senator LANE. Now, in the purchase of a horse, buggy, and harness they ought to pay about \$350, you say?

Mr. THACKERY. I suggested that an average price of a buggy team would be possibly \$250.

Senator LANE. In a case of that kind, would you take a receipted bill from the merchant, or voucher showing it, or some statement from him in writing that he had sold this to the Indian?

Mr. THACKERY. I think we usually took a bill of sale to guarantee the Indian against mortgage on the team or anything of that kind.

Senator LANE. But you did not take any voucher for this?

Mr. THACKERY. The check itself is a receipt.

Senator LANE. You depend entirely on the check—you say you depend entirely on these checks and what they show.

Mr. THACKERY. Not entirely, but largely.

Senator LANE. And they show nothing.

Mr. THACKERY. They show in nearly every case the indorsement; that is the best receipt I know of.

Senator LANE. It will be very hard to identify that.

Senator TOWNSEND. Mr. Thackery, did you give a bond to the department for the expenditure of all Indian funds that come into your hands?

Mr. THACKERY. Yes, sir.

Senator TOWNSEND. Does not that bond require you to account for this money?

Mr. THACKERY. No, sir. I prepared this bond that you speak of covering expenditure of Indian funds, and asked to have it approved so that I might so account for the money, and the comptroller rendered a written decision that we could not do so.

Senator TOWNSEND. I want to ask you, now, again: Does not your bond, as a representative of the department out there, require you to account for all moneys that come into your hands belonging to the Indians?

Mr. THACKERY. Yes, sir. This was considered to be an exception at that time. There may be special acts of Congress which would be excepted from this bond. You say, does the bond require it?

Senator TOWNSEND. Yes.

Mr. THACKERY. I am not sure about that. The regulations of the office, I think, require that we account for those moneys. I do not know just what the bond does require. Mr. Murphy, no doubt, could tell you.

Senator TOWNSEND. Do you believe that the bond that you give to the Government to account for all Indian moneys which come into your hands could not be construed to cover all moneys that were turned over to you for those Kickapoos?

Mr. THACKERY. In this particular account, it could not, according to the written decision of the comptroller, which I understand prevails.

Senator TOWNSEND. It might not under the act, but under the general provisions of your bond, do you think your advice is to the effect that you could not be held accountable under that bond for this Kickapoo money?

Mr. THACKERY. I do not think I could. However, I am perfectly willing to be held.

Senator TOWNSEND. The reason I ask the question is because that is the most important thing with me in this investigation, whether after we have discovered all that we want to discover, it can be made a foundation for our report.

Senator LANE. I want to ask you a question, Mr. Thackery: In spending money for the Indian, as regular agent—or superintendent, I believe they are now called—were you not in the habit and by the rules and regulations of the department compelled to take vouchers and make requisitions for all your expenditures and return them here, and make full accounting to the department?

Mr. THACKERY. No, sir; we are required to make a full accounting, but in paying an Indian money, the office, I think, considers his indorsement on a check payable to his order as the best possible voucher.

Senator LANE. And does not require you to keep any requisitions or vouchers or anything of that sort?

Mr. THACKERY. It would require quite a little time to explain that, we handle so many different funds. If I was buying a team of horses for the use of the agency, we would call for bids first, and we would then prepare a voucher of the kind you refer to, and the successful bidder would sign that and he would receive a check in payment; and all those papers would be filed with our accounts. But if I were paying an Indian individual lease money from his account, say, we would issue him a check.

Senator LANE. You would have a lease to show, would you not—a written lease of some sort, or would it be a verbal lease?

Mr. THACKERY. Always a written lease.

Senator LANE. There would always be a written lease as a voucher behind that check. In other words, for all the accounts of moneys you handle for the Government you have to give a close accounting, much closer than you did in the expenditure of these funds?

Mr. THACKERY. I do not think so, no, not in all cases. The check itself is usually the method. For instance, in paying my salary, I do not sign any receipt excepting my indorsement on that check.

Senator LANE. And that salary is a matter of record in the office, do you not see on the pay roll?

Mr. THACKERY. Of course, the amount of money I receive here is of record for those Kickapoos, and papers are filed here which tell me to receive it.

Senator LANE. Your salary is a certain amount payable on a certain day of the month, but these are irregular payments.

Mr. THACKERY. I could have fully relieved myself, Senator, under this law by giving the Indian one check for the total amount.

Senator LANE. You might have done so; you could have done that. You do not consider, then, that you were very tightly bound in the expenditure of that money, according to that?

Mr. THACKERY. I do; I am perfectly willing to be bound as tight as you want.

Senator LANE. The explanations which you give us here imparts no information on which we can afford to spend time or detain you. I can not make much out of it, and it is unfortunate for this commission to be placed in the position of having to report that this is

another one of the accounts which can not be investigated. I do not know how it could give it an intelligent investigation.

Mr. THACKERY. If any one of those checks is questioned, you can go to the Indian to whom it was paid.

Senator LANE. If there was a question here as to \$50, I could go down and hunt up the Indian?

Mr. THACKERY. Suppose I had a voucher, you might question that.

Senator TOWNSEND. I can see the thing which Senator Lane has in mind, but still I can not see any delinquency on the part of Mr. Thackery, the way he did business, provided the money was actually paid to these Indians.

Senator LANE. We have no way of establishing whether it was or not. You see here what the difference is. I do not know whether you people ever handled much of that kind of work. If you have a requisition first for an article, and then you have an O. K'd bill from someone, you can go back and trace down the identical article.

Senator TOWNSEND. Surely you can.

Senator LANE. Which is corroborative, and it works out systematically, and it is the method by which they should handle accounts. Unless Mr. Thackery did that he did not properly protect himself. There are many cases which we do not understand, and he would be able to make an explanation of where he bought, say, two horses and a buggy, totaling \$300. That is quite a respectable sum of money, and he should have had a receipted bill for that amount properly made out and O K'd and turned it in with his accounts; the bank should have had these signatures properly indorsed, and they did not do that.

Mr. THACKERY. They did it in a very large majority of cases.

Senator LANE. In those cases in which they did not, it will be called in question, and for his own protection it is necessary that it should have been done. I am not saying that his accounts are incorrect, but I would not certify to any of them.

Mr. THACKERY. I am not dodging responsibility for those checks that are not indorsed.

The CHAIRMAN. Are there any further questions, Senator Lane?

Mr. BENTLEY. Mr. Chairman, before the committee adjourns, at the conclusion of the last hearing, Mr. Thackery—

The CHAIRMAN. We want to take Mr. Buntin's testimony now.

Mr. BENTLEY. I thought you were about to adjourn.

The CHAIRMAN. No; Mr. Buntin wants to go away, and I thought we might try to serve his convenience.

Mr. THACKERY. May I make a statement of about 10 words? In answer to a question that you put soon after I took the stand the other night, I stated that there were 82 of these accounts; that is, that the total amount I received was divided into 82 parts. I should have said 85 parts. I just wanted to correct that in the record. There were 154 living allottees, of which I had 85, and Mr. Bentley had 72.

The CHAIRMAN. Have you a list of those you had?

Mr. THACKERY. I have it in this book.

The CHAIRMAN. Will you furnish it to us?

Mr. THACKERY. Yes, sir.

(Not furnished.)

TESTIMONY OF JOHN A. BUNTIN.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. What official position do you hold?

Mr. BUNTIN. Superintendent of the Shawnee Agency.

The CHAIRMAN. How long have you served in that capacity?

Mr. BUNTIN. Since June 15, 1911.

The CHAIRMAN. Are you familiar with the affairs of the Kickapoos at present and their condition?

Mr. BUNTIN. Yes, sir; that is, the Oklahoma Kickapoos.

The CHAIRMAN. Do you know about how many of them there are?

Mr. BUNTIN. There are in Oklahoma, counting men, women, and children, about 170, who have been living there.

The CHAIRMAN. Do they live in the immediate neighborhood of Shawnee?

Mr. BUNTIN. Yes, sir. The center of population, I believe, is about 21 miles northwest of Shawnee.

The CHAIRMAN. What is the principal occupation of these Indians, if any.

Mr. BUNTIN. Farming.

The CHAIRMAN. How many of them, would you say, are successful farmers?

Mr. BUNTIN. Successful?

The CHAIRMAN. Yes.

Mr. BUNTIN. As successful farmers there are only a few, probably half a dozen, who are supporting themselves by farming wholly through their efforts as farmers.

The CHAIRMAN. What is the total number actually engaged in trying to farm?

Mr. BUNTIN. I believe there are about 44 men, among those that live in Oklahoma, and I believe that at least 35 of them have in a crop this year.

The CHAIRMAN. What do they grow?

Mr. BUNTIN. They raise corn, cotton, alfalfa, kafir corn, milo maize, and then they raise a great many beans.

The CHAIRMAN. How are they supported?

Mr. BUNTIN. They are supported from what they raise on their farms, and the lease money.

The CHAIRMAN. Do all of them own allotments?

Mr. BUNTIN. Not all; nearly all of the adult Indians have allotments.

The CHAIRMAN. What number of them have not allotments of adult Indians?

Mr. BUNTIN. There must be of living allottees about 80 at this time in Oklahoma. There are probably 204 Kickapoo allotments. A number of those are heirship allotments.

The CHAIRMAN. How are those supported who do not farm and do not get lease money?

Mr. BUNTIN. They are supported by the other Indians.

The CHAIRMAN. Do you pay out their lease money?

Mr. BUNTIN. Yes, sir.

The CHAIRMAN. How do you handle that fund?

Mr. BUNTIN. We usually have the payments made semiannually, and immediately after collecting them disburse it to the Indian.

The CHAIRMAN. How do you disburse it?

Mr. BUNTIN. By check.

The CHAIRMAN. To the Indian himself?

Mr. BUNTIN. Yes, sir.

The CHAIRMAN. Is he permitted to spend it in any way that he wants to?

Mr. BUNTIN. The lease money is usually disbursed to those who are competent without supervision; that gives him a right to spend it as he pleases.

The CHAIRMAN. Those that are not competent?

Mr. BUNTIN. Those that are not competent we endeavor to supervise their purchases.

The CHAIRMAN. How many of them have you among these Kickapoos?

Mr. BUNTIN. There are probably one-third of them that we class as incompetent to handle their money received from rentals in lump sum without supervision.

The CHAIRMAN. What is the condition of these Indians with reference to education?

Mr. BUNTIN. Their education is very limited.

The CHAIRMAN. How many of them, would you say, can read and write?

Mr. BUNTIN. Out of the 170, I would estimate that 40 probably can read and write.

The CHAIRMAN. What school facilities are provided for the children of these Indians?

Mr. BUNTIN. We have the Shawnee School.

The CHAIRMAN. Is that an Indian school?

Mr. BUNTIN. That is the Shawnee Indian Boarding and Training School. Then they have access to the nonreservation schools.

The CHAIRMAN. Do you know how many of the Kickapoo children are in school?

Mr. BUNTIN. I do not know the exact number, but I will estimate that there are in the Shawnee schools between 20 and 25.

The CHAIRMAN. What is the total number of school population of the Kickapoos in Oklahoma?

Mr. BUNTIN. I believe there must be between 30 and 35 children there; that is, eligible to school.

The CHAIRMAN. Something over half of them are then actually attending school.

Mr. BUNTIN. Yes, sir.

The CHAIRMAN. What progress do they make, in general?

Mr. BUNTIN. They are getting along very well.

The CHAIRMAN. Did you receive any part of this trust fund from Mr. Thackery?

Mr. BUNTIN. The only part that I have knowledge of receiving was some he turned over to Annie Hale, and Annie made a voluntary deposit.

The CHAIRMAN. What do you mean by "voluntary deposit"?

Mr. BUNTIN. In this way, an Indian can make a voluntary deposit at any time he wants to at the agency. I received Mr. Thackery's money in a lump sum, approximately \$65,000.

The CHAIRMAN. That was when his account as superintendent was closed?

Mr. BUNTIN. Yes, sir; had any of this money been turned in to him to be paid out, but as a turn-back, as a deposit, it might have been taken up as individual Indian money and I might have received it in that way.

The CHAIRMAN. And you would not be able to segregate the trust funds that came into your hands in that way; it would not be in trust, except in your hands as superintendent?

Mr. BUNTIN. Yes, sir.

The CHAIRMAN. You never undertook to handle any fund, then, as trustee?

Mr. BUNTIN. Not as trustee.

The CHAIRMAN. In the sense that Thackery handled it?

Mr. BUNTIN. None as trustee. This check I received from Annie Hale was sent to her through me by Thackery to settle her account in full. She was a pupil in an Indian school, and I advised her she did not need that much money at that time.

The CHAIRMAN. How much was it?

Mr. BUNTIN. Between \$500 and \$600. She voluntarily turned the check over to me and made a deposit and has since used the larger part of it in equipping herself with household goods.

The CHAIRMAN. Do you know how much she has on hand?

Mr. BUNTIN. My recollection is she has between \$100 and \$140.

The CHAIRMAN. What do you say with reference to whether these Indians are progressing or going backward?

Mr. BUNTIN. They are progressing at this time.

The CHAIRMAN. What are the evidences of their progress?

Mr. BUNTIN. They are increasing their farm operations very noticeably, and getting on a much nearer self-supporting basis than before. Many of the Kickapoos who have heretofore refused to allow their children to go to school, who have strictly opposed school, have brought their children down since I have been there and put them in, and a number of them have insisted on not letting them go home too much, and they have taken up farming, and many of them have planted crops. Under the authority of the Indian Office I have been selling them hogs on payments. They take them, handle them very well, and make prompt payment. The same way with alfalfa seed, and there is an unusual display of interest in their farm operations.

The CHAIRMAN. You said, during the examination of Mr. Thackery, if I understood you, that you thought practically all of these Indians knew how much of this trust fund was due to them in the beginning. Upon what do you base that statement? How do you know they did?

Mr. BUNTIN. A number of them came in, and in talking over their business I asked them how much of that money they got. This has been a question very much discussed, for the reason that those in Mexico denied receiving their part, and a number of them have told me the amounts that they were to receive, and that they had received.

The CHAIRMAN. Do you account to the department for these funds which you receive and deposit for individual Indians?

Mr. BUNTIN. Yes, sir.

The CHAIRMAN. Mr. Thackery, I believe you have already stated that you did not make any accounting to the department in regard to this trust fund.

Mr. THACKERY. No, sir; I did not.

The CHAIRMAN. That the comptroller held that you could not do so.

Mr. THACKERY. Yes, sir.

Senator LANE. I would like to ask if Mr. Thackery has struck off a balance here and submitted it to us.

Mr. THACKERY. The committee, I believe, that examined the account did, Senator.

Senator LANE. What committee?

Mr. THACKERY. The clerks of this commission.

The CHAIRMAN. The clerks of the commission and the accountant from the bureau. I did not understand that they undertook to balance your account.

Mr. KEATING (secretary to the commission). No, sir; we did not.

Mr. THACKERY. Mr. Murphy had the account.

The CHAIRMAN. What was this \$11,802.73?

Mr. MURPHY. That is the corrected amount, as shown by the ledger, that was transferred to the guardianship account.

Mr. THACKERY. In cash?

Mr. MURPHY. Yes; that is not supported by checks payable to the Indians.

The CHAIRMAN. They were accounted for through the court, these funds?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. What is the total amount of funds you have on hand now for the benefit of the Kickapoos as superintendent?

Mr. BUNTIN. I could not answer that question.

The CHAIRMAN. Do you know about how much?

Mr. BUNTIN. For the benefit of the Kickapoos, without supervision—I have individual Indian money, about \$55,000, in my account, and a large majority of that belongs to the Kickapoos.

The CHAIRMAN. Where do you keep it?

Mr. BUNTIN. That money is held in the Shawnee National Bank, the First National Bank of Tecumseh, and the Treasury of the United States.

The CHAIRMAN. Do they pay interest on it?

Mr. BUNTIN. Yes, sir; the two banks—they do.

The CHAIRMAN. How much?

Mr. BUNTIN. Four per cent on daily balances.

The CHAIRMAN. Who gets the benefit of that interest?

Mr. BUNTIN. The Indians.

The CHAIRMAN. Did the banks, Mr. Thackery, pay interest on this trust fund?

Mr. THACKERY. Yes, sir; I explained that in the record. They paid me about \$600 interest before it was transferred into the guardian account.

The CHAIRMAN. And that represents your compensation in the matter?

Mr. THACKERY. Yes, sir; and expense.

The CHAIRMAN. What about the balance of \$11,000 and something that was disbursed through the guardianship account?

Mr. THACKERY. The interest on that went to the Indians.

The CHAIRMAN. Went to the Indians?

Mr. THACKERY. Yes, sir.

The CHAIRMAN. And that was all accounted for in your settlements with the courts?

Mr. THACKERY. Yes, sir.

Representative STEPHENS. Mr. Buntin, what is the condition of health of these Indians?

Mr. BUNTIN. They are in very good health, better than the average Indian.

Representative STEPHENS. About how many have trachoma or eye trouble?

Mr. BUNTIN. I will estimate——

Representative STEPHENS. What per cent?

Mr. BUNTIN. I will estimate that not less than 25 per cent on the Shawnee Agency, including Kickapoos, have trachoma.

Senator LANE. Are they young people and children?

Mr. BUNTIN. They average that.

Representative STEPHENS. Is it increasing or decreasing?

Mr. BUNTIN. I do not believe it is on the increase any—about a standstill.

Representative STEPHENS. Do they keep it out of the school?

Mr. BUNTIN. We keep it pretty well out of the school. If we get a case we treat the case.

Representative STEPHENS. Have you boarding schools?

Mr. BUNTIN. Yes, sir.

Representative STEPHENS. Do you keep those infected with trachoma separated from the other students?

Mr. BUNTIN. Yes, sir; as soon as one comes in with trachoma, it is immediately treated for the trachoma, and it is segregated from the others until it gets in condition where it would be safe, and then they have to wash under a stream of water and have individual towels.

Representative STEPHENS. About how many students have you in this boarding school?

Mr. BUNTIN. The capacity of the school is 110, and it is usually just about full.

Representative STEPHENS. How is it that you only have 25 pupils in the school?

Mr. BUNTIN. I said 25 per cent is my estimate. I will explain that. This is the Kickapoos. And now, we have the Shawnees and then we have the Pottawatomies. They come from these other tribes.

Senator LANE. About how many Pottawatomies?

Mr. BUNTIN. The Shawnees were originally, I think, about 600. They were allotted 556, and Pottawatomies probably 900.

Senator LANE. All under your charge?

Mr. BUNTIN. Yes, sir.

Representative STEPHENS. About how many Kickapoos are under your charge in the boarding school?

Mr. BUNTIN. Between 20 and 25.

Representative STEPHENS. Then have you day schools?

Mr. BUNTIN. There are just public schools, but no Indian day schools. We have mission schools which take a number of Pottawatomies.

Representative STEPHENS. Is the Government paying for that?

Mr. BUNTIN. No, sir.

Representative STEPHENS. About how many have you in the day schools of the Pottawatomies and others under your charge?

Mr. BUNTIN. The large majority of the Pottawatomies are in public schools.

Representative STEPHENS. The public schools of the State?

Mr. BUNTIN. Yes, sir; they are considerably mixed with the white blood. The white blood really predominates.

Representative STEPHENS. Tell us whether there are any Kickapoo Indians in the day schools of the State with the white children.

Mr. BUNTIN. There have been a few.

Representative STEPHENS. About how many?

Mr. BUNTIN. Two is all I know of.

Representative STEPHENS. Is it not very satisfactory when you can get them to go to these schools?

Mr. BUNTIN. It is very satisfactory, and we encourage it all we can to get them into the day schools.

Representative STEPHENS. It is a better system than to segregate them and put them into the Indian schools?

Mr. BUNTIN. Oh, yes; where we can get them in and make them regular attendants. The trouble is they will start in and then go a few days and then quit, but two of these Kickapoos have been going very regularly the past year.

Representative STEPHENS. Are any Kickapoo Indians voters in the State?

Mr. BUNTIN. None of them vote, that I know of, or take part in the election.

Representative STEPHENS. Are they not competent to vote? Would they not be permitted to vote if they desired after the land has been allotted them?

Mr. BUNTIN. I do not believe they could stop them from voting if they go up and demand a vote.

Representative STEPHENS. But they have never been taught to vote?

Mr. BUNTIN. Very few of the Shawnees vote.

Senator LANE. I want to ask you what percentage of tuberculosis you have among those Indians?

Mr. BUNTIN. The percentage of tuberculosis is smaller among the tribe of Indians on this reservation than any I have been on.

Senator LANE. About what is it?

Mr. BUNTIN. It would only be an estimate, but of the number of deaths that occur among the Indians we see that less than 50 per cent is caused by tuberculosis—less than half of them.

Senator LANE. Is it increasing or decreasing?

Mr. BUNTIN. I think it is decreasing.

Senator LANE. Are you doing anything to stamp it out?

Mr. BUNTIN. Yes, sir; we are doing all we can.

Senator LANE. What are you doing?

Mr. BUNTIN. Well, when an Indian is affected with tuberculosis we either get the farmer to go to them or take it up with them themselves as to how to prevent it spreading.

Senator LANE. What does he do?

Mr. BUNTIN. He will usually go and instruct them to have no one sleep with them, to expectorate in water, and take it off and bury it, and use every sanitary precaution.

Senator LANE. They still live in the same house and continue to occupy the same house?

Mr. BUNTIN. They oftentimes do that.

Senator LANE. It is hard to prevent it?

Mr. BUNTIN. Very difficult.

The CHAIRMAN. I want to ask about the number of these Indians. You say there are about 400 Shawnees, 900 Pottawatomies, and 170 Kickapoos, according to your estimate?

Mr. BUNTIN. Those are supposed to be present. If we go and gather up the Pottawatomies that are scattered throughout the country—originally there were 1,371 allotted there. Many of them live in Kansas and never have lived there in Oklahoma—there would be a great many more; probably, if not nearly, 2,400 listed. If you were looking at the annual report, you would find those Kickapoos down in New Mexico are added on with the Indians in Oklahoma, with the Kickapoos there.

The CHAIRMAN. I find in the statement furnished the House committee, in its hearings in 1912, absentee Shawnees number 445. What does that mean?

Mr. BUNTIN. They distinguished those from the Kansas Shawnees.

The CHAIRMAN. That is, the Shawnees that are actually there, is it?

Mr. BUNTIN. Yes, sir.

The CHAIRMAN. You say you think there are about 400?

Mr. BUNTIN. Tom Alfred, the head man, rates them at 600. No recent enumeration has been made.

The CHAIRMAN. How is it you rate them 200 lower than the head man?

Mr. BUNTIN. My estimate is about 600, taken from Alfred's report, but that includes Shawnees not living there. Of the Shawnees that are living there, probably an estimate of 400 to 500 would be about right.

The CHAIRMAN. Is there no accurate or nearly accurate census of them?

Mr. BUNTIN. No; we have not any accurate census, because they are mixed with the Indians and are constantly moving back and forth.

The CHAIRMAN. In that same hearing it appeared there were citizen Pottawatomies, 1,655. Was that based upon information which that agency furnished the office?

Mr. BUNTIN. Probably it was, but that would include the Pottawatomies scattered throughout the country.

The CHAIRMAN. How many are scattered and how many are in Oklahoma?

Mr. BUNTIN. I estimate about 900 Pottawatomies are living in that part of the country at this time.

The CHAIRMAN. Where are the remaining 755?

Mr. BUNTIN. The larger portion are in Kansas, and then they are scattered throughout the United States.

The CHAIRMAN. That is just an estimate, then?

Mr. BUNTIN. Just an estimate.

The CHAIRMAN. Upon what is that estimate based?

Mr. BUNTIN. That is based upon the best information that we can get from the head men of the tribe.

The CHAIRMAN. I see in that hearing there are listed Mexican Kickapoos at 243.

Mr. BUNTIN. I think that there are more than that. I have had the Kickapoos counted, and their count at the time I had it made was 170, and I estimate those in Mexico at about 130 at last count.

The CHAIRMAN. How do you go about estimating an Indian population? I am curious to know how you get these figures. What is done when you go to make up these estimates? What steps are taken to get at the number.

Mr. BUNTIN. Those in Mexico, the estimate was made from the number of allottees living and the number of families, by going over it with the members of the Kickapoo Tribe that knew.

The CHAIRMAN. At home, how do you get the 170?

Mr. BUNTIN. Well, that was the count. I had the field agent count them.

The CHAIRMAN. You have a list of them, have you?

Mr. BUNTIN. They have a list of those.

The CHAIRMAN. Will you furnish that to us?

Mr. BUNTIN. Yes, I can send that to you.

The CHAIRMAN. Have you a list of the Pottawatomies in your jurisdiction?

Mr. BUNTIN. No, sir; I have not.

The CHAIRMAN. Have you a list of the Shawnees?

Mr. BUNTIN. A very nearly correct list of the Shawnees can be furnished.

The CHAIRMAN. I wish you would furnish that too. How does it happen that no list of the Pottawatomies has been made?

Mr. BUNTIN. The Pottawatomies are more white than Indian, and many of them you would never suspect of being an Indian to look at them, and they have moved around just like civilized people, many of them, from place to place, and had their families scattered out. Many of them left there and never lived there.

(List above not furnished.)

The CHAIRMAN. Mr. Bentley, gentlemen, wants to make a statement in reply to something Mr. Thackery said on a former occasion.

TESTIMONY OF MR. MARTIN J. BENTLEY—Resumed.

Mr. BENTLEY. My statement, now, gentlemen, is in reply to the concluding statement of Mr. Thackery the other night, in which he gave you the reasons why he was distrustful of me.

At page 48 of the typewritten record, folio 2949, Mr. Thackery began giving to you his reasons why he was distrustful of me, and he again for the fifth to the tenth time brought forward the matter of my having given an Indian woman a receipt for \$2,000, payable at my convenience.

While I regret to say this, I am compelled to make the statement now that Mr. Thackery has willfully falsified to you in this matter. Probably no man has had reason to or has had more occasion to read the record "Affairs of the Kickapoos" than has Mr. Thackery. At page 587, volume 1 of that record, is the testimony of William A. Bonnet, president of the Border National Bank, and in regard to the funds of Emma Garland having been paid to her, Mr. Bonnet testified as follows:

Mr. BENTLEY. Since the subject of Emma Garland is in the record, I would like to ask Mr. Bonnet if I ever paid her any money there in his bank?

Mr. BONNET. Yes, sir; she drew some money from you.

Mr. BENTLEY. Do you recall any particular amount that you had occasion to look up in your books?

Mr. BONNET. She drew at one time, to the best of my recollection, \$2,000. I do not know whether that was yours or not. I know she drew a thousand. You gave her a check on one occasion because I remember the \$2,000 paid her. She came in perhaps two or three months after that, the time she was homesick and tried to talk me into letting her have the money to get back to Oklahoma with.

All of the testimony is in the record of the president of the bank.

Mr. THACKERY. What page is that?

Mr. BENTLEY. Page 587. That I paid the woman through his bank \$2,000, and I went into court and settled it all, but notwithstanding—

The CHAIRMAN (interposing). You went into court and settled it. What do you mean by that?

Mr. BENTLEY. Settled it with the agreed amount, with the administrator.

The CHAIRMAN. How much?

Mr. BENTLEY. Seven hundred dollars and some odd.

Continuing further, the schedule of individual Indian moneys, showing the sums received by me from individuals and returned by me to them, page 2295, third volume "Affairs of the Kickapoos," shows that I originally had of this woman's money \$4,000; that I had returned to her or her heirs \$3,600. That statement is true, notwithstanding that Mr. Thackery, in the knowledge of this record, had his farmer, one Ratzliff, appointed administrator for the heirs of Emma Garland, whose Indian name was Ah-them-esk-kah-mo, and whose name so appears in the record referred to, and this administrator sued me for \$6,000, or about that, for a large sum more than I ever had of the woman's money. At the time of the bringing of this suit my account showed that I did not owe this woman, or her heirs, in excess of \$400.

However, I had not paid her any interest, and when the time came for trial I said to Mr. Thackery, who was responsible for this condition, "If you put me to the trouble of going to Eagle Pass to take depositions and of procuring other witnesses, I shall fight this to a finish. But rather than be in litigation, I will pay all I owe, with reasonable interest," which I did. I drew a check for \$700 and some odd, payable to the administrator, as an acceptance by him for all demands on the part of Emma Garland, or her heirs. And notwithstanding that I delivered this check into the hands of Mr. Thackery for delivery to the administrator, and that he returned it to me, suggesting some revision or correction, which was made by me and then the check returned to him, and further, that there was a considerable contention as to who should pay the costs in this unwarranted suit, that, if I recall, was adjusted by each paying one-half the costs, he went deliberately before a committee of Congress, making the oft-repeated allegation and citation about this scandalous receipt, and stated that the suit was still pending and that I had refused to settle with her heirs.

The exact language will be found beginning at page 10 of the transcript of the testimony given by Mr. Thackery, August 14, 1912, before the Committee on Indian Affairs of the House of Representatives—and

I think, Mr. Chairman, you have it now there before you—which in part, is as follows:

The CHAIRMAN. How do you know?

Mr. THACKERY. Mr. Graham told me and the girl showed me a receipt which read approximately as follows:

"Due Emma Garland the sum of—naming the money; I don't remember that amount, but I think it was \$2,000—to be paid her at the convenience of the payer, written in his own handwriting and signed Martin J. or M. J. Bentley."

We sent that to the Indian Office and it was forwarded and used in a case in court and it is now a part of the record in that case. He got, in all, \$6,000. He gave a receipt for a less amount.

The CHAIRMAN. What was the amount named in the receipt?

Mr. THACKERY. That is what I say, I don't recall, but I think it was \$2,000. It wasn't less than \$2,000 I am positive, from the reading of it. I can later get the original receipt, which is in his handwriting, as stated.

The CHAIRMAN. Is this Indian still in Oklahoma or Mexico?

Mr. THACKERY. This girl is dead. She later died and had never recovered her funds. An administrator was appointed and he has been attempting for her heirs to get a settlement, and he has had a suit pending against Mr. Bentley for an accounting in that case.

The CHAIRMAN. Is that still pending?

Mr. THACKERY. So far as I know, it is.

He knew it was not; he knew it was settled. The above testimony is not only a deliberate perjury, but the malicious, vicious kind that I do not believe fair-minded men can overlook. I defied Mr. Thackery then, and I defy him now, to attest the statement that he then made. I have endeavored to take up one positive, concrete instance that is insusceptible of any possible construction other than that he who made it did it falsely and for a malicious purpose.

Throughout the entire record this man Thackery has endeavored to distort and has had no regard for the truth. In testifying before the House Committee on Indian Affairs—

The CHAIRMAN. I do not think that is proper language to be put into this record.

Mr. BENTLEY. I will be pleased to modify it.

The CHAIRMAN. You must modify it.

Mr. BENTLEY. I am citing you the record.

The CHAIRMAN. Cite the record and it is for the commission to determine the credibility of the evidence. You are under oath and that kind of language, you know, is not parliamentary.

Mr. BENTLEY. I am stating it in an orderly—

The CHAIRMAN. Go ahead with your statement and make your answer as a statement of fact.

Mr. BENTLEY. I will modify the answer to agree with your suggestion, but I wish to continue my statement a little further.

The CHAIRMAN. If it is untrue, you are entitled and privileged to say it is not true.

Mr. BENTLEY. Mr. Thackery testified and it is in that record—no, in testifying before the House Committee on Indian Affairs, August 14, 1912, when it was claimed that the Kickapoos should be reimbursed for the expense they were to in moving from southeast to northwest Mexico, Mr. Thackery testified twice in that record that the move was a trivial matter; it was only a distance of 200 or 300 miles. But when he came before the Senate committee with his coached Indian witnesses for the purpose of showing the committee what staunch, determined men they were, he testified that when they

became insurrectos and left the Sonora colony to return to Muzquiz, which was the starting point and destination in the first instance, he stated that it was a most tortuous trip, covering a distance of more than a thousand miles. Simply going back over the old road the others had come—only 200 or 300 miles.

I might take the great record, comprising thousands of pages, occasioned by this man Thackery's prejudice and insincerity, and repeat similar instances, but I shall feel that the two cited, showing deliberate, willful—you say to leave that language out—

The CHAIRMAN. I do not think that adds any matter of knowledge to the commission.

Mr. BENTLEY. The other matters I know you will not object to.

He tells you that he was distrustful of me and my purpose in 1906, because I had been under numerous indictments and of my association with Grimes. He does not tell you, however, that the indictments, the only indictment ever brought against me in the State of Oklahoma during my residence there covering 30 years, was brought through his connivance and at his instance prior to 1906.

He does not tell you that Grimes and I long prior to the time that he became agent, and at all times thereafter, were the most bitter enemies.

He does not tell you that from the time that he became agent until the investigation by Congress disclosed the Kickapoo forgeries, that Grimes was the agency favorite, his bosom friend. That it was notorious in the neighborhood of the agency and at Harrah, Okla., that Grimes had a stand-in with Supt. Thackery because he was helping Thackery to persecute me. And in support of this statement I shall ask to quote briefly from the report of Inspector Jenkins to the Secretary of the Interior under date of October 12, 1905, as shown on pages 2112, 2113-14, and 2115, third volume, "Affairs of the Kickapoos." The inspector said in part:

* * * In the first place I find practically all the charges against Grimes to be true. He is a bully and "bluffer," and has monopolized the leasing of these lands since the country opened. He is not a farmer, but a speculator; he employs men to farm the lands for him. His leases are not well improved. Fences are poor, clearing not thoroughly done, and there is evidence of much waste in timber cutting. I saw many places where he had cut large trees from allotments (not necessarily for clearing), and find that he is hauling and shipping wood by the carload from other allotments. This has been going on for years. Several sawmills have been in operation in the vicinity for six years or more past. * * * That he is a hard drinker, and frequently becomes intoxicated, and when in that condition is quarrelsome and dangerous. * * * Supt. Thackery admits that Grimes is not a proper man to give a lease; that he does not farm the lands, but hires men to do the work; that he drinks excessively and is quarrelsome; that he does not farm the land well or make the improvements called for in the leases; also that he has more land than should be allowed any one man. His excuse is that when he (Thackery) came here he thought Grimes had been unfairly dealt with by Bentley, former agent, and that he has been endeavoring to repay Grimes for the bad treatment accorded him at the hands of Bentley.

Through an order of court, as guardian of an Indian boy, I had executed a lease to one L. J. Pipher. Unfortunately for Pipher, he was an enemy of Grimes and a friend of mine. And, notwithstanding that Pipher was an excellent farmer, having moved from the farming regions of Illinois, Thackery was determined to deprive Pipher of these lands in the interest of his friend Grimes, and Pipher was persecuted in the interest of Grimes by Thackery at Government expense to such an extent that he was financially ruined, notwithstanding

ing the character of Grimes being the worst and that of Pipher the best. In relation to this matter, the inspector, in his report, stated as follows:

While Mr. Thackery and Pipher disagree as to the conversation between them concerning the necessary steps to be taken for the approval of this lease, it would seem to have been the duty of Mr. Thackery to be very explicit; also that he should have written Mr. Pipher fully in order that there could be no opportunity for a misunderstanding. It also savors of spite work on the part of Mr. Thackery against Mr. Bentley (in which Mr. Pipher is an innocent sufferer) in rushing the appointment of a natural guardian through and getting the lease approved for Grimes on the land in controversy. It is the apparent hatred of Bentley and favoritism shown Grimes on Mr. Thackery's part that has caused so much unfavorable comment in the community, and apparently not without some ground. * * *

I want to show you it was notorious that Grimes had stood in with the agent, Thackery; it was scandal throughout the community.

Representative STEPHENS. What year was that?

Mr. BENTLEY. 1902, 1903, and 1904, and along there. This inspector's report is dated October 12, 1905.

Representative STEPHENS. What year did you go out of the service?

Mr. BENTLEY. 1901.

Representative STEPHENS. Who were you succeeded by?

Mr. BENTLEY. By Thackery.

Mr. Thackery didn't tell you when he referred to the affidavit of Grimes and Joe Adams, the attorney of Grimes, that Grimes attributed the 30 or 40 indictments for forgery against him in Texas pending at the time he made the affidavit, to my efforts. That Joe Adams was the attorney for the Chapman-Grimes-Conine combination.

Neither did he tell you that it was immediately following my observation of himself and Grimes, holding a conference after 10 o'clock at night, in an alley in Shawnee, that I became suspicious that he was procuring the services of Grimes to aid him (Thackery) in securing the vote of the criminal element of the Kickapoos. Up to that time Grimes had controlled absolutely by whisky, lewd women, and otherwise, about 12 of the Kickapoos, and I believed then and have since been told by Grimes that Thackery was seeking influence with them because their number would determine the result. That Thackery was conferring with Grimes in an alley; that the conference suddenly terminated when they found they were observed, one going one way and one another, I can prove by the most substantial testimony.

To pursue the argument any further in the light of the facts already stated I feel would be an imposition on the intelligence of this committee, and an unwarranted consumption of its time. This is practically the third tribunal or inquisitorial body that has gone exhaustively into the matter now under investigation. Many thousands of pages of testimony have been taken. The affairs of the Kickapoo Indians and my conduct of their affairs was under investigation by the full committee of the Senate, covering days of time, in 1905. In 1906, and in 1907, 2,300 pages of testimony was taken, out of which grew the record now known as "Affairs of Kickapoos," which is in three volumes. Then came the investigation before the House Committee, consisting of Mr. Ferris, Mr. Stephens, Mr. Carter, and Mr. Burke. I feel that I am entitled to say that by that committee I was given a full acquittance, because my contention was

sustained. In 1912, hearings Nos. 4, 5, and 6 of the Senate Committee on Indian Affairs will show arguments made by me, and No 6 was the answer or showing by the Indian Bureau in rebuttal and responsive to the demand of the committee for information relating to my allegations, which occasioned another investigation as to my conduct of the affairs of the Kickapoos.

My statement before the full committee of the Senate was in behalf of all the Indian people of the country, in an endeavor to bring to the notice of Congress the fact that, of the great gratuities to the Indian people, 90 per cent was expended in salaries in getting less than the other 10 per cent to the Indians; that the great Indian estates of this country were being exploited through the prejudice and lack of capacity or sincerity of the Indian Bureau; that in one instance more than 80 per cent of the entire area of an original allotted area of 301,000 acres had been absorbed by speculators, through the connivance of agency officials, and that in value less than 10 per cent remained, because the 20 per cent of the area remaining was sand hills, overflow, or land so eroded that it had no value.

This line of argument had a disquieting effect on the Indian Bureau, and the then Commissioner of Indian Affairs, Mr. Valentine, convened his board of review, directing them to make a finding of fact "as to the character and capacity of Martin J. Bentley."

After many weeks of deliberation and apparently exhaustive labor, the board of review reported to the honorable commissioner that they were utterly unable to make a finding of fact; that the record was of such volume and in such conflict that they could not decide. Their remarks, however, citations for and against, covered 36 typewritten pages. Thus it will be observed that, so far as the Indian Bureau tribunal is concerned, my character and capacity is beyond their capacity of determination.

But this tribunal that I am now addressing surely owes it to me to say whether I have been honest or dishonest. In fact, I feel entitled to demand at your hands, not only a finding as to my character, capacity, and purpose toward the Indian people, but to determine the sum to which I am entitled over and above the \$86,000 received by me from the Treasury of the United States. Otherwise I should feel that an injustice had been done me, and I ask this, to the end that peace may be had and further investigation may end. I thank you.

The CHAIRMAN. When did you receive the \$4,000 from Emma Garland?

Mr. BENTLEY. By looking at the records I could tell you exactly Senator.

The CHAIRMAN. About when?

Mr. BENTLEY. I think it was in 1903 or 1904.

The CHAIRMAN. What did you do with it?

Mr. BENTLEY. I gave her, in the first instance, a note covering the whole amount. She brought the money in cash, in gold—\$20 gold pieces—to my home, and we counted it over, and all in excess of \$4,000 she took away with her.

The CHAIRMAN. Did she do that voluntarily or had you solicited her to deposit that with you or leave it with you?

Mr. BENTLEY. I would have to leave that to the commission. I was over to the agency, and my team had gone on, and Emma Garland solicited me to go to the traders to settle her account, figure it up and settle it, and I went there, and I was invited by her husband to ride with them to Shawnee, and when we got there they voluntarily hitched the team, and they got out and carried the money in there, and I gave her my note for the full amount.

The CHAIRMAN. When was that note payable?

Mr. BENTLEY. Those notes were almost always made payable in one year.

The CHAIRMAN. Have you that note?

Mr. BENTLEY. I do not know what became of it, Senator, when I paid it. She was a terrible spendthrift, and kept coming to me for money—and each time I would indorse it on the note.

The CHAIRMAN. Did you have the note, or did she keep it?

Mr. BENTLEY. She had the note and kept it in her pocketbook, and I insisted that she bring the note in when I made payments, so that I could indorse it on the note. The last time she brought that note in, there was a balance of \$300 in excess of \$2,000 on that, and I gave her a new note for \$2,000.

The CHAIRMAN. What did you give her a new note for \$2,000 if only a balance of \$300 remained?

Mr. BENTLEY. I mean, giving her the \$300, leaving \$2,000 due, is what I mean to say. Here were all of these indorsements, paid from time to time when she came, and so I took up the old note and gave her a new one. The report she made to me, when I met her one time later in Mexico, was that she had lost that note, and also that the \$300 had been stolen from her.

The CHAIRMAN. You mean the money?

Mr. BENTLEY. The money and the note; but the first time I ever saw her after that, and she called my notice to it, I gave her the famous receipt in lead pencil which has been referred to so often in the record, "Pay at my convenience." I did not know but what somebody would show up with the note. And finally I paid her some small sums, and she died. When she died, I paid her sister-in-law for the caring of her baby; when the baby died I continued to support her husband. As Mr. Thackery well knows, I bought in one instance a splendid horse, and paid \$150 for it, from Joe Clark.

Mr. THACKERY. I do not know anything about that.

Mr. BENTLEY. I think you do.

The CHAIRMAN. You go ahead and testify. You are a lawyer and you know that while under oath you ought never to appeal to somebody else to support you. You know that is not proper. Go ahead and testify.

Mr. BENTLEY. The husband finally came to Shawnee, Okla., and Mr. Clark came to me and I gave Mr. Clark \$100. The Indian had been in and asked for \$100, and I gave it to Mr. Clark, and he went up town and paid it to the Indian. And the Indian got into a crap game and broke it, and they followed him out into the suburbs and shot him to death, and when the body was brought into the morgue there was not a cent on his body. Mr. Thackery sued me,

as administrator, for practically the whole sum that the woman had originally received, some \$6,000.

The CHAIRMAN. Just wait a minute. I want to ask you about this \$2,000 note. You say that you did give her a pencil memorandum in the nature of a due bill "payable at your convenience?"

Mr. BENTLEY. After she had reported she lost the note; but mind you, I did that in a country where there was no proper form available.

The CHAIRMAN. Of course, you knew how to draw a note?

Mr. BENTLEY. Even if I had, I would have given her nothing different, the note being outstanding. I merely gave her a positive evidence of there being outstanding \$2,000.

The CHAIRMAN. What was the object of making it payable "at your convenience?"

Mr. BENTLEY. For fear she might take it and cash it. This note was out.

The CHAIRMAN. You wanted to give her a nonnegotiable instrument.

Mr. BENTLEY. Sure, I did, until I could determine something about it.

The CHAIRMAN. Why did you not specify in the face of the note that it was nonnegotiable for the reason that the note was outstanding?

Mr. BENTLEY. There was a great big customhouse room full of Indians, baggage being inspected, and this woman came to me in the worst confusion, and I grabbed a piece of paper—the train was waiting.

The CHAIRMAN. You knew that that was an unusual form of obligation?

Mr. BENTLEY. Had it not been for the note having been lost, I would have given her a note in the proper form. It was not my custom to give any such notes as that.

The CHAIRMAN. You say you paid the balance of that \$2,000 with interest. What interest did you pay?

Mr. BENTLEY. When the settlement actually was made I only owed her \$400, and my recollection is the check I gave in settlement included the interest I should have paid, and it was \$700 and some odd. I have forgotten exactly.

The CHAIRMAN. When was that settlement?

Mr. BENTLEY. I do not remember the date, but I think Mr. Thackery will, if you will pardon me.

The CHAIRMAN. You are testifying, and not Mr. Thackery. If you do not know, that is the answer.

Mr. BENTLEY. I can only give the date approximately. It was, I think, the last year that Mr. Thackery was superintendent.

The CHAIRMAN. What year was that?

Mr. BENTLEY. That must have been in 1910, I think, or 1911.

The CHAIRMAN. And the money was received in what year?

Mr. BENTLEY. Oh, the original money was received back in, I think, 1894—or 1904—1903 or 1904, somewhere along there.

The CHAIRMAN. Then when was this note for \$2,000 given?

Mr. BENTLEY. I am a little out of the record. I could not give very definitely the date. The first \$2,000 on the original note was paid quickly. She would come in every few days wanting money, and I did not pay her any interest. Now, the next note may have been given—I expect it was three or four years from the time that I made the settlement, but most of that period there was only actually due \$400 on that note, but I paid approximately the difference between \$300 and \$700 finally in interest and costs, to be out of the confusion with it and have it settled.

The CHAIRMAN. With reference to your vouchers for the disbursement of this \$86,000 fund—

Mr. BENTLEY (interposing). Yes, sir.

The CHAIRMAN. Have you obtained them yet?

Mr. BENTLEY. No, sir; they are not here.

The CHAIRMAN. Have you any information as to whether you will be able to get them or not?

Mr. BENTLEY. It is a question, Senator, of my returning to Oklahoma or Mrs. Bentley coming here.

The CHAIRMAN. The matter of most particular interest in this subject now is the disbursement of that \$86,000 fund, as I have stated several times, and we would like an opportunity to examine your vouchers, if they can be procured.

Mr. BENTLEY. If you will take the schedule upon which my settlement was made here, every item in that settlement, with the exception of one or two, was sustained by receipted bill or check.

The CHAIRMAN. We would like to see the receipted bills or checks; that is the point I am making.

Mr. BENTLEY. I am very willing and anxious to do that as quick as I can, but I am willing to be interrogated in any item in that account.

The CHAIRMAN. We can not very well interrogate you further now.

Senator LANE. There is one little item I want to inquire about. Mr. Bentley stated in his testimony that he sold the allotments of two Indians for \$32,000, and only gave a note for \$20,000. What became of the rest of it?

Mr. BENTLEY. We never got the money, Senator. The parties to whom we sold were to have—

Senator LANE. I was asking about the remainder of this \$20,000, relative to which you testified the other night.

Mr. BENTLEY. The land sold for \$32,500, and it is true that the other night I accounted for \$20,000 only, because somebody cut me off. The other \$12,000 of that \$32,000 was largely—some of it was paid to the Indians, the part that may have been received, but the balance of it was simply vacant town lots adjoining Shawnee, and no money has ever been gotten out of them as yet, but as a settlement of that matter I executed to my cotrustee an agreement by which in lieu of those town lots and that property remaining, that I should pay him \$50 the first Monday of each month for 10 years, and at the expiration of that time I would account to him or his heirs for \$10,000.

Senator LANE. How much money was turned over to you by Okemah which went to the International Trust Co.—what other

accounts belonging to individuals have gone into the hands of that company?

Mr. BENTLEY. There was actually turned over to the International Trust Co., indirectly, through me, \$17,500. As I understand it—

Senator LANE. Turned over to you by Okemah?

Mr. BENTLEY. Turned over by Okemah, my cotrustee, to the International Trust Co. I saw the credit on their books, \$17,500. Then, as to the amount that was deposited with them through Congress, it is my information \$15,000 more was deposited. Well, no; I am getting off—there was deposited with the International Trust Co. \$17,500, and then I was compelled to turn individual money in to them, \$4,500, I believe, and deed some land, but in all, I think, some \$23,000 or \$24,000, perhaps, that I know of, of Indian money has gone into the hands of the International Trust Co. since I resigned or was released as trustee of the Kickapoo community. Since it has been incorporated, everything going to it goes into the hands of the treasurer of the corporation.

Senator LANE. So the balance of the \$32,000 went into the hands of the trust company?

Mr. BENTLEY. Senator, it did indirectly.

Senator LANE. Have they accounted for that money?

Mr. BENTLEY. I have not any idea. The obligation that I owed Okemah, wherein I paid him from month to month \$50 for 10 years. The treasurer of the Kickapoo community brought a power of attorney and threatened suit against me, and in lieu of the \$8,250 that he should have paid Ives out of the \$15,000, they receipted to me for the sum I owed Okemah and therefore I have no knowledge of what they did with the \$15,000, other than the sum of \$25 that was sent Mr. Mitscher, treasurer of the community, to pay a stenographer. Otherwise I have no knowledge of it.

Senator LANE. I have a letter here signed "Martin J. Bentley," dated February 8, 1913, addressed to Mr. Joseph Clark, Shawnee, Okla. Did you write that letter at that date [handing paper to Mr. Bentley]?

Mr. BENTLEY. That is my signature.

Senator LANE. Was it written at that date?

Mr. BENTLEY. Yes, sir; I feel very certain it was [reading]:

WASHINGTON, D. C., February 8, 1913.

Mr. JOSEPH CLARK, *Shawnee, Okla.*

MY DEAR FRIEND: It is a matter of very great regret to me that I have been unable to secure for you the \$500 that I expected would be paid to you out of the Kickapoo appropriation. So far the Ives warrantees, for which the money was appropriated to pay, have not been paid out of this money, though the treasurer of the Kickapoo Corporation authorized by Congress was formed and the money promptly drawn by Mr. Field's partner, O. A. Mitscher, of Oklahoma City.

It appears that Mr. Mitscher was very much in need of these funds, and instead of the money being used for the purpose for which Congress appropriated it it is being used for the benefit of Mr. Mitscher. However, it is insisted from day to day that they are going to pay, but from the information received from Oklahoma City I am led to believe that they are unable to raise the money, or that it was put into the business of the Miller-Mitscher firm, and they are unable to get it out.

It had been my intention if the Ives warrantees were taken care of to pay you out of my own funds rather than see you disappointed, but I have had to pay the warrantees myself about seventy-seven hundred dollars, and was required to sell my property at a sacrifice, even after the money had been paid by the Treasury to the treasurer of the Kickapoo Corporation. The whole situation is to be regretted, but I feel that I have done my part and that the reward for my effort is the payment of seventy-seven

hundred dollars and the satisfaction of seeing the Kickapoos' money used for the benefit of white people to whom the Kickapoos are under no obligation, rather than for the settlement of their debts and obligations.

Most respectfully,

(Signed) MARTIN J. BENTLEY.

I was mistaken in one statement in that letter, however. The amount of the Kickapoo warrantees when approximately figured was \$8,250 instead of \$7,700.

Mr. THACKERY. May I have about two minutes?

The CHAIRMAN. Yes, sir.

TESTIMONY OF FRANK A. THACKERY—Resumed.

Mr. THACKERY. As to whether or not I have been truthful or untruthful, I leave that to those who have heard my testimony to judge. Mr. Bentley has referred rather persistently to my statement, or rather my introduction of evidence, which is a part of the report of Inspector McLaughlin, showing that he entered into a deal with this man Grimes in the year 1908 for the purpose of securing through Grimes enough votes to control the council which was to determine the disposition of this \$215,000. Notwithstanding his statements to the contrary, I must say that I was never on particularly friendly terms with this man Grimes. At the time I took charge of the Shawnee Agency, relieving Bentley, I found a number of five-year leases executed under Bentley's authority, drawn up, and Mr. Grimes had signed them, and his bondsmen had signed them, and in sending them in to the department for approval they were recommended for approval for one year instead of five. The leases mostly called for an "improvement" consideration—improvement of allotments, and Mr. Grimes, soon after I took charge, came in and complained that if his leases were to be approved for one year he could not afford to put all of the improvements on these lands which he had agreed to at the time he signed the lease, and at the time his bondsmen had signed it, with the understanding that he was to hold them five years. In that matter I did take his case up with the office and represent it that if he was to hold these lands under these leases which he had executed for five years for only one year, he should be consulted in the matter; the office should not arbitrarily reduce his period of occupancy of this land to one year when he had made a contract under bond expecting to hold it five years. That was all there was to my friendly attitude toward this man Grimes.

As to my frequent reference to the Emma Garland note of \$2,000 I do not think the record will show that I have attempted to do more than to impress upon the commission the wording of that note, which I say is bad on its face, which says that it is "payable at the convenience of the payer"; that was the thing that I was attempting to bring particularly before the commission. This girl had been educated at Carlisle, and she spoke reasonably good English, and she appealed to me a number of times to procure for her a settlement of this matter while she was still living. The matter was started while she was living. She started the suit herself, as I remember, and then after her death—

Mr. BENTLEY. You are mistaken.

Mr. THACKERY. Somebody else was appointed, and the suit was prosecuted until it was finally settled, just how I do not remember.

He says he gave a check in settlement. I do not remember a thing about such a check. I do not think it went through me. The attorney was Roscoe C. Herrington, of Tecumseh, now living, and he handled the whole matter for this Indian woman or her heirs, and the check, I assert positively, never did go through my hands, and that would make no difference.

The CHAIRMAN. That is just what I am wondering, why either of you should quibble about that. The point is whether the suit was settled, and if it was settled whether fairly settled.

Mr. BENTLEY. If the Senator will pardon me, Mr. Thackery came before that committee and took it upon himself to say the suit was pending, when he himself was a party to the settlement of it.

Mr. THACKERY. However that may be, this particular case was brought up to show the bad wording of the note.

The CHAIRMAN. That has been stated several times.

Senator LANE. I want to ask you, were you ever interested in any of these banks in which Indian funds were deposited?

Mr. THACKERY. No, sir.

Senator LANE. You never held any stock in those banks or in interlocking directorates, or anything of that sort?

Mr. THACKERY. No, sir.

**TESTIMONY OF THOMAS F. MURPHY, OF THE INDIAN OFFICE,
DEPARTMENT OF THE INTERIOR.**

(The witness was duly sworn by the chairman.)

Senator LANE. What is your position in the service?

Mr. MURPHY. I am a clerk in the office of Indian Affairs at present.

Senator LANE. In the Indian Bureau?

Mr. MURPHY. Yes, sir.

Senator LANE. Are you still a civil-service employee?

Mr. MURPHY. Yes, sir.

Senator LANE. How long have you been with the Government?

Mr. MURPHY. Very close to eight years.

Senator LANE. And connected in the same capacity you are now?

Mr. MURPHY. Well, I have been in charge of some agencies and handled individual Indian money in the field, have had service as clerk in the field and worked in the office as a clerk.

Senator LANE. You are in the accounting department?

Mr. MURPHY. Yes, sir.

Senator LANE. And have charge of the bookkeeping?

Mr. MURPHY. The use of appropriations and all funds.

Senator LANE. You made an examination of these accounts here of Mr. Thackery's?

Mr. MURPHY. Together with the other two gentlemen, secretary and clerk to the commission.

Senator LANE. At whose request?

Mr. MURPHY. At the request of Commissioner Merritt, I came down here. I do not know at whose instance.

The CHAIRMAN. Senator, let me make an explanation.

Senator LANE. Yes.

The CHAIRMAN. The other day, I think it was after you left, Senator, Senator Townsend and perhaps Representative Burke suggested that the clerks of the commission go over these checks of Mr.

Thackery's, in conjunction with some one from the Indian Bureau, and I had the clerks request the commissioner to send some competent accountant down here to go over these checks to examine them.

Senator LANE. These accounts have never been submitted to your department?

Mr. MURPHY. No, sir.

Senator LANE. You say they are kept in the manner you keep them up in the bureau, with the same accuracy?

Mr. MURPHY. No, sir.

Senator LANE. I understood you to say that.

Mr. MURPHY. I said that a legal indorsement to an individual money check was accepted as a voucher.

Senator LANE. Such indorsements as are upon these checks?

Mr. MURPHY. Such as some of those, not all of those: not those we have taken exception to. Exception would have been taken to those in checking up our individual Indian money.

Senator LANE. What would be done with them?

Mr. MURPHY. We would have either made the bank or the superintendent correct them.

Senator LANE. What do you mean by "correct them?"

Mr. MURPHY. Get a proper indorsement, or in the absence of that charge it back against the bank.

Senator LANE. How would you be able to ascertain whether it was a proper indorsement or not?

Mr. MURPHY. The same way we ascertain the indorsement by mark with no witnesses.

Senator LANE. If it has witnesses, you consider it proper, and if you send it back and they obtain some one to witness the signature, then it becomes proper, does it?

Mr. MURPHY. I would like to make a statement rather than to make an answer to your direct question there. The individual Indian money checks do not pass through us. This individual Indian money is deposited in a bank to the credit of the individual, and the superintendent holds the money as trust funds. He, however, must get authority from the Commissioner of Indian Affairs before he can expend it, and he states in his request for the authority whether or not he wishes to give the Indian the money, or for what particular purpose he wants it, how much stock, harrow, or plows, or whatever he intends to buy for the individual, and upon the approval of that authority he issues checks in payment of the indebtedness, which check is signed by the individual Indian and countersigned by the disbursing officer or agent. Then those checks, when received and paid by the bank, are forwarded direct to the Auditor of the Treasury for the Interior Department, who passes upon the indorsement and, as far as he knows, the first indorsement of the Indian being correct and legal, is accepted as a voucher; but the superintendent or agent, in addition to that, usually gets a receipted bill for his own files, so that in case anything came up to find out about what this check was used for, he might be able to produce this receipt where he did not give the check to the individual for cash.

Senator LANE. You do not require him to do that—keep those vouchers?

Mr. MURPHY. I do not know of any written instructions to that effect, but as a general rule they do that. I always did.

Senator LANE. When he reports, at the end of the month, or whenever the time is, does he not send in an account showing expenditures?

Mr. MURPHY. His account merely shows a statement of this Indian, showing outstanding checks that were brought forward and checks drawn during the period, with the authority under which they were drawn.

Senator LANE. No explanation at all as to what expended for?

Mr. MURPHY. It is up to the inspecting officials to see the progress that is being made in the field.

Senator LANE. But you do send some one down to inspect that account?

Mr. MURPHY. The bureau inspecting officials are supposed to take that up whenever they reach this agency.

Senator LANE. That is a part of their duty, then?

Mr. MURPHY. Yes, sir.

Senator LANE. Then, you do have a full accounting?

Mr. MURPHY. To that extent.

Senator LANE. Do you find in that case anything of that sort?

Mr. MURPHY. I do find these checks that were called to my attention were not properly indorsed, were not witnessed.

Senator LANE. Mr. Thackery states that he took no bills and issued no vouchers, except the checks. You require more than that in the expenditure of Government funds?

Mr. MURPHY. Only in going back to the disbursing officer to find out what he used the money for, and then he would either produce these bills or else show that he paid it.

Senator LANE. Mr. Thackery states that he kept no receipts, but the agents do have to do that as a rule.

Mr. MURPHY. I do not know of any written instructions telling them to do that.

Senator LANE. Would you accept it if it were not done in the department?

Mr. MURPHY. The auditor never receives any information as to whether or not it is or is not done.

Senator LANE. If he finds it, it is merely indirectly and by hearsay?

Mr. MURPHY. If he finds it, it is by complaint or otherwise. The first indorsement of the Indian on that check or the signature of the Indian to the check is deemed a receipt for value received.

Senator LANE. And no inquiry is made by the department as to the expenditure of the money?

Mr. MURPHY. Not by the auditor.

Senator LANE. By the bureau, the accounting department?

Mr. MURPHY. Only the inquiry made through its inspecting force

Senator LANE. It has inspectors for the purpose of seeing if moneys have been properly expended?

Mr. MURPHY. No; they have inspectors who are particular to inspect the schools, and others to inspect the farming operations, and others to inspect accounts. They have two inspectors that inspect accounts.

Senator LANE. Then the accounts are inspected and you know the methods by which the inspection is made. What is considered an inspection?

Mr. MURPHY. No, sir; I do not know—

Senator LANE. Do they certify them in to the department as being correct or incorrect?

Mr. MURPHY. As far as I know, these inspectors go to the agency and check up the accounts of the disbursing officer and make a report as to any discrepancy or any irregularities.

Senator LANE. That is still another department from yours?

Mr. MURPHY. Another branch of the Indian Office.

Senator LANE. And you have nothing to do with that?

Mr. MURPHY. No, sir.

The CHAIRMAN. That is all. That closes the hearing for this morning.

(Thereupon, at 11.05 a. m., the joint commission stood adjourned to meet at the call of the chairman.)

TONGUE RIVER RESERVATION
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

MAY 25, 1914

PART 14

Printed for the use of the Joint Commission



CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.
HARRY LANE, Oregon.
CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.
CHARLES D. CARTER, Oklahoma.
CHARLES H. BURKE, South Dakota.
R. B. KEATING, Arkansas, *Secretary*.
ROSS WILLIAMS, Arkansas, *Clerk*.

TONGUE RIVER RESERVATION.

MONDAY, MAY 25, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in room 128 Senate Office Building at 7.30 o'clock p. m.

Present: Senators Robinson (chairman) and Lane; Representatives Carter and Burke.

TESTIMONY OF JOHN R. EDDY, SUPERINTENDENT AND SPECIAL DISBURSING AGENT, TONGUE RIVER AGENCY, LAME DEER, MONT.

(The witness was duly sworn by Senator Lane.)

Senator LANE (presiding). Please give your name to the stenographer.

Mr. EDDY. John R. Eddy.

Senator LANE. Where are you from?

Mr. EDDY. Lame Deer, Mont.

Senator LANE. And what is your occupation?

Mr. EDDY. Superintendent and special disbursing agent.

Senator LANE. Of what?

Mr. EDDY. Of the Tongue River Agency.

Senator LANE. What tribe of Indians?

Mr. EDDY. The Northern Cheyenne Indians.

Senator LANE. And how long have you been in that position?

Mr. EDDY. Since December, 1906.

Senator LANE. How many Indians have you there?

Mr. EDDY. One thousand four hundred.

Senator LANE. What is the state of their health?

Mr. EDDY. Comparatively fair; but not as good as it has been.

Senator LANE. What is the trouble?

Mr. EDDY. Tuberculosis, trachoma—

Senator LANE. Is tuberculosis increasing?

Mr. EDDY. I expect it is.

Senator LANE. Why?

Mr. EDDY. Due to the housing conditions of the people.

Senator LANE. What are the housing conditions?

Mr. EDDY. Conditions that are bad for them, that make for tuberculosis. The Indians live in log cabins that were built largely by the white settlers who formerly lived in that country, and they do not permit of good ventilation in their homes.

Senator LANE. Are there any of them living in tepees?

Mr. EDDY. To some extent. They live in tepees, all of them, in the summer time.

Senator LANE. What do you find to be the difference in their health living in the tepees and in the log huts?

Mr. EDDY. It would be better for them to live altogether in tepees, I believe, than in illy ventilated log huts, but it would doubtless be better for them to live in well-constructed houses than in tepees, if fireplaces might be provided.

Senator LANE. Why fireplaces?

Mr. EDDY. For enforced ventilation.

Senator LANE. Do you think a fireplace makes for good ventilation?

Mr. EDDY. I really do; and if a fireplace were fitted in a log hut with a swinging crane so as to afford a camp inside of the house, we would get ventilation in the Indian home by accident.

Senator LANE. Is there any way of ventilating their cabins at small expense?

Mr. EDDY. We know of no good way to ventilate the Indian homes. The Indians tend to stop up windows and doors.

Senator LANE. What do you have in the way of ventilation? What is it; just an ordinary log cabin?

Mr. EDDY. With but a single door oftentimes.

Senator LANE. Do you not have any opening up near the roof at both ends?

Mr. EDDY. There have not been openings of that sort.

Senator LANE. Did you ever think of putting them in?

Mr. EDDY. We have thought particularly of the fireplace idea.

Senator LANE. You know about these other openings, do you not, that can be put in under the ridgepole?

Mr. EDDY. We know they do put in such.

Senator LANE. Did you ever see them?

Mr. EDDY. No.

Senator LANE. They are very easy to put in. All you have to do is to cut a hole in there next to the ridgepole and you can put a trap door to it. In fact, that is what they have to do in Alaska and those cold countries.

Mr. EDDY. I see the point of that.

Senator LANE. Do you think tuberculosis is increasing? You have 1,400 Indians; how many cases of tuberculosis have you?

Mr. EDDY. There are varying reports, some physicians reporting that there is little and others that there is much. I suspect it is fair to state that there would be tuberculosis of some sort in nearly all of those people.

Senator LANE. What are you doing to prevent it?

Mr. EDDY. We are planning to develop the economic status.

Senator LANE. What are you doing now?

Mr. EDDY. We are improving the economic status.

Senator LANE. In what way?

Mr. EDDY. By developing the resources of the reservation.

Senator LANE. In what way?

Mr. EDDY. In the the development particularly of the horse and cattle business and now of the agricultural interests.

Senator LANE. That will not help them out with tuberculosis, will it, unless you provide proper living quarters?

Mr. EDDY. I believe so, Senator, because it will afford us funds to provide better housing facilities. These Indians have been in decidedly destitute circumstances.

Senator LANE. How much trachoma have you?

Mr. EDDY. There is a great deal of trachoma upon the reservation; possibly 50 per cent.

Senator LANE. Is that increasing or diminishing?

Mr. EDDY. That is being held. We have instituted a very vigorous trachoma campaign. We provided three nurses last year who stimulated the Indians very considerably. We now have one nurse upon the reservation devoting her time exclusively to trachoma work—with very good results, by the way.

Senator LANE. Are not the Indians perfectly willing to adopt measures which will cure them and prevent tuberculosis and also trachoma, if it is explained to them?

Mr. EDDY. They do not readily—Indians as backward as the Cheyennes—see the point in some of the information we give them.

Senator LANE. In what way do you give them information?

Mr. EDDY. We have had lectures before the Indians and have repeatedly pointed out to leading Indians, in talks at the home and in the schools and at the agency, measures that should be taken to prevent tuberculosis; and we have employed an Indian—one of the better men on the reservation—to take up the matter of providing better homes, with a view to checking in this way the spread of tuberculosis.

Senator LANE. How many children are there in these 1,400?

Mr. EDDY. About 350.

Senator LANE. How are they being educated?

Mr. EDDY. In the reservation boarding school; there are some 67 there now. The capacity of that school is 70 to 75. At the Catholic mission school there are some 38 children now enrolled, and at the Birney day school there are some forty-odd children.

Senator LANE. What school is that?

Mr. EDDY. That is a day school where we have two teachers. And at the Lame Deer day school there is accommodation for about 30 children.

Senator LANE. How many are there of school age who do not attend school?

Mr. EDDY. There would perhaps be 75.

Senator LANE. Why do they not go to school?

Mr. EDDY. There are no school facilities for the others.

Senator LANE. Why not?

Mr. EDDY. Our recommendations in the past to provide them have not been carried out.

Senator LANE. To whom did you recommend that?

Mr. EDDY. To the Commissioner of Indian Affairs.

Senator LANE. For what reason were they not carried out? Do you know?

Mr. EDDY. For lack of funds.

Senator LANE. Have these Cheyennes any funds?

Mr. EDDY. They have no funds now. The single fund—the share they had in the Sioux fund has been capitalized, at our recommendation, for the purchase of more cattle—some \$48,000. The cattle were purchased this year.

Senator LANE. Now, there are about 75 that do not go to school?

Mr. EDDY. About 75. Well, some of those, perhaps 30, are defectives.

Senator LANE. In what way?

Mr. EDDY. Deaf, dumb—

Senator LANE. Is there that percentage?

Mr. EDDY. No; I mean that with other causes.

Senator LANE. Thirty defectives out of 350 children?

Mr. EDDY. Probably there might be 60 out of 350 children.

Senator LANE. How do you account for that?

Mr. EDDY. Possibly in breeding, to an extent—the great conservatism of the Cheyennes as against any other Indians we know of in the Northwest.

Senator LANE. Where are these Cheyennes from originally?

Mr. EDDY. They were in the Sioux country up until about 1868.

Senator LANE. In what State?

Mr. EDDY. Throughout the Black Hills country of South Dakota. They also ranged more or less in their present country. They claimed quite an extensive territory.

Senator LANE. Is there any syphilis among them?

Mr. EDDY. No syphilis.

Senator LANE. Have they ever had it?

Mr. EDDY. They have never had it. They are a singularly clean and moral people.

Senator LANE. What are their habits about drinking?

Mr. EDDY. I have not seen a drunken Indian in eight years on the reservation. Perhaps there might be three Indians who would drink off the reservation.

Senator LANE. Are they honest?

Mr. EDDY. Wonderfully so.

Senator LANE. Will they work?

Mr. EDDY. They will work.

Senator LANE. Do they like to?

Mr. EDDY. They do when they are well paid for their labor, when they have a market for their labor.

Senator LANE. How long did you say you had been with them?

Mr. EDDY. Eight years. Six months as clerk.

Senator LANE. Seven and a half years as superintendent? How much land have they?

Mr. EDDY. Four hundred and sixty thousand acres.

Senator LANE. How much of it do they cultivate?

Mr. EDDY. This has always been considered a nonagricultural country, up until about three years ago.

Senator LANE. Why?

Mr. EDDY. All of that section was considered nonagricultural, except small irrigated portions.

Senator LANE. For what reason? Is it arid?

Mr. EDDY. It was presumed to be too arid.

Senator LANE. What grew on it before?

Mr. EDDY. Good grass.

Senator LANE. Nothing but grass?

Mr. EDDY. That was all.

Senator LANE. What kind of grass?

Mr. EDDY. Buffalo grass—this gramma grass.

Senator LANE. You mean gramma when you say Buffalo?

Mr. EDDY. Yes.

Senator LANE. That is good feed?

Mr. EDDY. There is blue grass, also, in the bottoms.

Senator LANE. That was then a grazing country?

Mr. EDDY. Yes; so considered.

Senator LANE. And you have, you say, about 460,000 acres?

Mr. EDDY. About.

Senator LANE. How much are they tilling now?

Mr. EDDY. I should judge 3,000 acres this spring. They have started a remarkable agricultural development this year.

Senator LANE. How many Indians are farming?

Mr. EDDY. I should say 300 able-bodied Indians working.

Senator LANE. Have they made any money in that business?

Mr. EDDY. This is the first year they have gone after agriculture with any considerable interest. Last year was their best year in grain. I think this year they are largely interested, because we thrashed all of their grain last year for the first time.

Senator LANE. How much did you get last year?

Mr. EDDY. We probably got 200,000 pounds; not a very large development.

Senator LANE. That is 3,000 bushels, is it not?

Mr. EDDY. Something of that sort.

Senator LANE. A little over. How have they made their living heretofore?

Mr. EDDY. They eked out a very miserable existence up until about eight years ago. They had to subsist almost exclusively upon subsistence provided by their treaty funds. There was no labor market in the country.

Senator LANE. They have a treaty fund now?

Mr. EDDY. They do now.

Senator LANE. How much does it pay them a year per capita?

Mr. EDDY. The total that they get is a share of about \$53,000 each year.

Senator LANE. Among 1,400 Indians?

Mr. EDDY. One thousand four hundred Indians.

Senator LANE. That is about 300 families?

Mr. EDDY. Well, almost 400. They are very small families.

Senator LANE. That allows them about how much per capita?

Did you ever figure it out?

Mr. EDDY. We use about \$28,000 of that for subsistence, which does not give them much over \$25 per capita.

Senator LANE. What do you do with the balance?

Mr. EDDY. That is used for the purchase of equipment—bulls, for instance, for the herds, and for roads and bridges.

Senator LANE. You say they have lived mostly on this \$25 to \$50 a year heretofore?

Mr. EDDY. Heretofore. By the way, that accounts for a great deal of their tuberculosis.

Senator LANE. It would not support them?

Mr. EDDY. They were starving people.

Senator LANE. They were always a little undernourished?

Mr. EDDY. That is the point; that is always the point.

Senator LANE. That is the case now with a good many?

Mr. EDDY. To a less extent, but still to a degree.

Senator LANE. You say you have only 300 Indians there that are working and making a living from farming? That leaves you 1,100 Indians?

Mr. EDDY. Yes; but of course they get their returns from their sales of horses and cattle.

Senator LANE. How long have they been making money out of cattle?

Mr. EDDY. For seven years.

Senator LANE. How much would that amount to?

Mr. EDDY. They have, from an investment of not to exceed \$75,000 by the Government, netted in cattle \$240,000.

Senator LANE. In what length of time?

Mr. EDDY. They have been receiving receipts for the last seven years.

Senator LANE. That is, \$240,000 total?

Mr. EDDY. Total.

Senator LANE. That would be about \$30,000 a year average?

Mr. EDDY. Yes, sir.

Senator LANE. The most of that came in during the latter portion of the term?

Mr. EDDY. The last five years.

Senator LANE. So you would have to cut that estimate again? It would not average more than \$20,000 a year for the whole period, would it?

Mr. EDDY. Then the sales of pony stock would give them another income.

Senator LANE. Have you ever figured that out to see just what their income would be, to see what one of those Indians would have to support his family?

Mr. EDDY. We have figured they would not have over about \$80 apiece per year.

Senator LANE. What do you suppose it averages now?

Mr. EDDY. Over all, probably \$125.

Senator LANE. \$125 a year for the head of a family of man, wife, and one or two children?

Mr. EDDY. Well, no; about \$100 apiece over all.

Senator LANE. That makes it better. Do you irrigate that land?

Mr. EDDY. An irrigation system was provided about seven years ago. Work was started on Tongue River and about 1,200 acres of land put under the ditch, divided into 20-acre allotments, the old owners allowing the allotments to be made in this way, sacrificing their holdings in the interest of the common good. These Indians are doing right well upon their allotments. The inspection that has been made of the irrigation work throughout the country credits the Cheyennes with making as good use of their opportunities as any Indians in the Northwest—that is, in irrigation.

Senator LANE. The rest of the land is farmed under a dry-farming process—

Mr. EDDY. Then on the Rosebud country, which is a very fine valley, which we are now finding will grow alfalfa without irrigation, there was an irrigation system there of a sort that called for fairly high-class management. It took flood waters rather than any natural supply. The Indians are doing quite a little there on the Rosebud.

Senator LANE. With alfalfa?

Mr. EDDY. With alfalfa.

Senator LANE. How many acres have they in alfalfa, do you suppose?

Mr. EDDY. There are probably 1,000 acres in alfalfa; let us say 800 acres.

Senator LANE. How many crops does it produce per year?

Mr. EDDY. Two good crops.

Senator LANE. How much do you get out of an acre of alfalfa?

Mr. EDDY. They can get from $\frac{3}{4}$ to $\frac{1}{2}$ tons per acre, with fair care.

Senator LANE. What is the alfalfa hay worth?

Mr. EDDY. In the stack, \$6

Senator LANE. Whom do they sell it to?

Mr. EDDY. They have not had a market for their hay, except as the Government has bought about 200 tons a year.

Senator LANE. What became of the rest of it?

Mr. EDDY. They have used that largely to subsist their pony stock.

Senator LANE. Do they have any cattle up in that country where they have the alfalfa?

Mr. EDDY. There has been no demand for our hay from the outside.

Senator LANE. Do you have any chance to develop one?

Mr. EDDY. We feel we ought to develop it now by tribalizing the herd which the Indians own, and feeding all our hay into this Indian herd rather than allowing it to run as a range proposition.

Senator LANE. What do you mean by "range proposition"?

Mr. EDDY. Allowing the cattle to run at large on the range and shift for themselves for the winter.

Senator LANE. Do they want the cattle run as a tribal herd?

Mr. EDDY. They have done a very remarkable thing recently. When we took this matter up with them the Indians declared they were willing to forego the use of beef as a ration in order to tribalize the herd and to raise hay and grain to subsist it, and to permit of the funds being used to pay for all the hay and grain they used. And if this plan will work as the commissioner tells me he is pleased to have it work, I feel that the Cheyenne problem is solved.

Senator LANE. In what way? Do you think that will provide for them?

Mr. EDDY. A labor market is provided for their industries.

Senator LANE. You mean that the cattle will support them?

Mr. EDDY. The cattle and horses will support them. Of course we are asking for many more cattle, because outside interests now are using part of the range that should be stocked with Indian cattle.

Senator LANE. How does that happen?

Mr. EDDY. We lease it. We get \$3.40 a head for the outside leasing, for 5,000 head.

Senator LANE. Whom do you lease that to?

Mr. EDDY. To C. M. Taintor, of New York. There was no leasing until six years ago. The lessees would not come in upon this reservation, these Indians had such a reputation as cattle killers.

Senator LANE. Were they cattle killers?

Mr. EDDY. Mr. McPherson, of the Indian Office, said he had received more complaints of cattle killing from Tongue River than from all the reservations combined.

Senator LANE. He has how many cattle?

Mr. EDDY. Five thousand head.

Senator LANE. What do you do with that money?

Mr. EDDY. That is known as "Indian moneys, proceeds of labor"; and that, like the treaty funds, is available for the pay of employees, and in this case that goes almost exclusively to Indian employees.

Senator LANE. What do they do?

Mr. EDDY. They serve as line riders.

Senator LANE. What do you mean by "line riders"?

Mr. EDDY. The reservation is fenced.

Senator LANE. Why do you have to have a line rider?

Mr. EDDY. To see that the fence is kept up, and that it is not broken down.

Senator LANE. How many miles of fence have you?

Mr. EDDY. About 125 miles.

Senator LANE. And that surrounds the reservation?

Mr. EDDY. That surrounds the reservation.

Senator LANE. How many line riders have you?

Mr. EDDY. Eight.

Senator LANE. What do you pay them?

Mr. EDDY. \$60 a month.

Senator LANE. That is \$480 a month. You pay \$6,000 a year for line riders to guard that fence?

Mr. EDDY. Of course, they do many other things. They serve as round-up crews.

Senator LANE. They round-up for whom?

Mr. EDDY. The Indian cattle and horses.

Senator LANE. Do they round-up for Mr. Taintor?

Mr. EDDY. No; he pays his own expenses.

Senator LANE. Does he have any of these men to check him?

Mr. EDDY. We do check very carefully.

Senator LANE. How do you do that?

Mr. EDDY. By sending a rider in each case—one or two riders, perhaps three.

Senator LANE. Do you furnish him grub?

Mr. EDDY. On the occasion of coming in, as a rule, the Taintor outfit would have its wagon with them, and the habit of the country would be for them to subsist each other.

Senator LANE. And for the Indians to do a lot of rounding-up, too?

Mr. EDDY. They really do none of that, Senator.

Senator LANE. You get \$17,000 for the rent of this land, and then you turn around and spend \$6,000 of it—one-third of the money—for people to ride over the range and guard a fence?

Mr. EDDY. Guard a fence, and guard the range against fire, and act as forest crews and general helpers.

Senator LANE. Does anybody ever break through the fence?

Mr. EDDY. Oh, the Indian reservations are subject to depredations all the time from the outside.

Senator LANE. What do they come in there for?

Mr. EDDY. Perhaps to take cattle and horses.

Senator LANE. Do they ever steal them?

Mr. EDDY. We suspect they do.

Senator LANE. Do you take careful count of your cattle?

Mr. EDDY. Very carefully. We took an individual inventory of the cattle two years ago, putting them through the chutes and bobbing their tails.

Senator LANE. Do you brand?

Mr. EDDY. Yes, sir.

Senator LANE. What is your brand?

Mr. EDDY. I. D.

Senator LANE. Did you ever see the I. D. brand changed?

Mr. EDDY. I imagine it might be changed.

Senator LANE. You do not know that you lose many cattle or horses that way?

Mr. EDDY. The line riders protect a great many of them; and keeping them branded up very close saves them to a large extent.

Senator LANE. Now, these Indians are living in houses illy ventilated; and you think by improving their financial condition they will be able to build better houses with ventilation?

Mr. EDDY. I think that is all there is to it.

Senator LANE. As far as ventilation is concerned, Mr. Eddy, you could get that in any cabin you have there now with an axe?

Mr. EDDY. We would be very happy to do that.

Senator LANE. And just as good ventilation, just as beneficial to the Indians, as if you imported an expert on that subject and put it in in some more expensive manner.

Mr. EDDY. Do you mean that your ventilation hole there will stay open in the winter? It can be seen, can it not?

Senator LANE. The way I have seen them in some cabins, in the peak of the roof, they just saw out a little square opening at both ends and then put a little door there that they can slide back and forth with a string on each side. You would get all the ventilation in the house you would want by sawing a hole in it.

Mr. EDDY. But they would not keep the hole there.

Senator LANE. Then they would not pay any attention to your better class of house either, would they?

Mr. EDDY. Well, you see, there would be more windows and more doors, and more accidental chances of ventilation.

Senator LANE. Then it would be purely accidental?

Mr. EDDY. I think that is all there is to it.

Senator LANE. Then you will have to do something different from that; that will not save them. And you need not breed cattle or take much care about increasing their financial condition if you are going to depend upon accident to cure tuberculosis, for it will not do it. The old-fashioned tepee is a better habitation than any medical gentleman has been able to invent. It was the simplest and best type of ventilation that has ever been invented. The fact is, it is nothing more or less than the same principle that was used in the old cupola furnace, which, until they invented the blast furnace, was used for melting iron.

Mr. EDDY. We are not discouraging the Indians in the use of tepees.

Senator LANE. I think it would pay you to encourage them. You will get rid of your tuberculosis; that is, if you teach them to be careful about reinfecting one another. Of course, that you will have to look out for.

Mr. EDDY. The Cheyennes, on advice, would stay in their tepees.

Senator LANE. They like to live in them?

Mr. EDDY. Yes.

Senator LANE. And if they will make them with double walls, and build a modified tent, something after the style of the Sibley tent, with a cap, leaving this center hole like that [indicating with a sketch], you will have then absolutely the best type of ventilation there is.

Mr. EDDY. Certainly.

Senator LANE. So you think the Cheyenne Indians are doing well, and better than the average Indians in their improvement and in their work as farmers?

Mr. EDDY. I think the Cheyenne Indian presents an interesting example of the hopeful Indian who has done poorly and who believes that he is now doing well. I can not make comparisons. I do not know a great deal about the condition of the other Indians.

Senator LANE. Are they happy and contented?

Mr. EDDY. They have always seemed so to me; singularly so—speaking now of the thoughtful Indians.

Senator LANE. What kind of education are you giving them? Common school?

Mr. EDDY. They get the common-school education.

Senator LANE. How is the health of those children in that first school, where you have 75 in the boarding school?

Mr. EDDY. Very much better than that of any other children on the reservation.

Senator LANE. Is there much tuberculosis among them?

Mr. EDDY. Of course the tuberculosis has made its seat among the Indians probably years ago.

Senator LANE. You can not segregate those? Are there any active cases of tuberculosis there?

Mr. EDDY. No, sir; they are kept out.

Senator LANE. Now, in the Catholic school?

Mr. EDDY. That is in about the same condition.

Senator LANE. They are in good condition there, you mean? You keep the active cases out?

Mr. EDDY. Yes; the doctor is instructed to allow none of the active cases or serious diseases to remain.

I might mention, if you would like to know it, that goiter has settled among those people to the extent, probably, of 30 per cent.

Senator LANE. What does the doctor attribute that to?

Mr. EDDY. Of course, they now say the alkaline waters—

Senator LANE. They have it just as much where they have soft water as they do where they have alkaline waters.

Mr. EDDY. I understand the southern Cheyennes are not afflicted with goiter.

Senator LANE. Where are they located?

Mr. EDDY. In Oklahoma.

Senator LANE. There is alkali there; lots of it. What do you do for that?

Mr. EDDY. Of course we have encouraged those Indians that would listen to the proposition to go off to have it treated. Just recently we sent a young man, the agency interpreter, to the Mayo brothers, and they took a large amount of flesh from his throat.

Senator LANE. How is the Indian getting along now?

Mr. EDDY. Famously.

Senator LANE. Can not your physician operate on them?

Mr. EDDY. I do not suppose so in those serious cases. We have not a hospital. They are planning to give us a hospital this year, but I suspect in that case the agency physician would not care to undertake that.

Senator LANE. What did it cost you?

Mr. EDDY. He happened to have funds of his own. He happened to be related in Oklahoma, and perhaps has a considerable fortune. He paid some \$250.

Senator LANE. There are many of these Indians that have no money and no way of securing relief?

Mr. EDDY. Well, we would make a way if we could interest them to go. They are very conservative. I have asked this young fellow to become a missionary in that field and endeavor to get Indians that can not afford to go to be willing to go at Government expense.

Senator LANE. The Government would do that, would it?

Mr. EDDY. In every case where I have picked the cases up and sent them they have paid afterwards.

Senator LANE. How far are you from Mayo Bros.?

Mr. EDDY. About a day's ride—

Senator LANE. That makes it quite convenient.

Mr. EDDY (continuing). On the train. Of course, we are 65 miles from the rail.

Senator LANE. Now, you are of the opinion that the general condition of the Northern Cheyennes is improving in every way except physically?

Mr. EDDY. That is my opinion; yes, sir. That is the general opinion of thinking people who have lived in that country for years.

Senator LANE. How many employees are there there?

Mr. EDDY. I have a list here [handing a paper to Senator Lane].

Senator LANE. There is \$9,540 expended in the boarding school. How many employees are there in the boarding school?

Mr. EDDY. About 10.

Senator LANE. How many in the day school?

Mr. EDDY. Five.

Senator LANE. What do you mean by "forest"?

Mr. EDDY. Forest guards—two.

Senator LANE. "Farm;" that means farmers?

Mr. EDDY. Farmers.

Senator LANE. How many farmers?

Mr. EDDY. Five.

Senator LANE. You farm 3,000 acres of land. That is one farmer or 600 acres. What do you pay those farmers?

Mr. EDDY. Two get \$1,200; three get \$720.

Senator LANE. What is their work? What do these farmers do?

Mr. EDDY. Farm.

Senator LANE. They do farm?

Mr. EDDY. They supervise the farming.

Senator LANE. In what way?

Mr. EDDY. They go among the Indians and interest them to develop their farming tracts.

Senator LANE. How do they do that?

Mr. EDDY. By being constantly with them as advisers.

Senator LANE. And talk with them?

Mr. EDDY. Largely so; and getting right down and showing them how to farm.

Senator LANE. What crops do they raise?

Mr. EDDY. Oats——

Senator LANE. What else?

Mr. EDDY. Alfalfa, corn; that is, we are starting corn.

Senator LANE. How much corn did you raise last year?

Mr. EDDY. Probably 150 acres.

Senator LANE. How much did it grow?

Mr. EDDY. It is squaw corn.

Senator LANE. How much did you get out of it?

Mr. EDDY. Not over 25 bushels.

Senator LANE. What else do you raise?

Mr. EDDY. Gardens in every case.

Senator LANE. In every case?

Mr. EDDY. Practically every case.

Senator LANE. What do they raise in the gardens?

Mr. EDDY. The ordinary garden produce: Potatoes, beets——

Senator LANE. How is it for potatoes?

Mr. EDDY. A very excellent potato country.

Senator LANE. How many can you raise to the acre?

Mr. EDDY. Two hundred bushels.

Senator LANE. Good potatoes?

Mr. EDDY. First-class potatoes.

Senator LANE. How many bushels of potatoes do you suppose you raised last year?

Mr. EDDY. We bought 50,000 pounds from them this spring.

Senator LANE. That is about 800 bushels. What do you use those for?

Mr. EDDY. To issue to the Indians generally as seed.

Senator LANE. How many Indians raised these potatoes?

Mr. EDDY. We bought those from probably 20 Indians.

Senator LANE. You know, then, of 800 bushels raised. How much more than that was raised; do you know?

Mr. EDDY. Why, probably 2,000 bushels.

Senator LANE. What are they worth up there?

Mr. EDDY. We paid \$1.25.

Senator LANE. A bushel?

Mr. EDDY. A hundred.

Senator LANE. What do you mean here by "house construction"?

Mr. EDDY. One Indian engaged in the work of teaching the Indians to construct homes.

Senator LANE. A head carpenter?

Mr. EDDY. You might call him that; yes.

Senator LANE. Now, these five farmers—you have five farmers for 3,000 acres of land. I am interested in getting at what those farmers do.

Mr. EDDY. Well, Senator, with those backward people it takes much hammering—

Senator LANE. Are these farmers entirely engaged in that work?

Mr. EDDY. Entirely now; yes, sir.

Senator LANE. What do they do in the wintertime?

Mr. EDDY. This winter a number of the farmers have helped on house construction at the agency.

Senator LANE. How many months did they do that?

Mr. EDDY. Probably three months this winter.

Senator LANE. Then there are nine months in the year they work on the farms with the Indians. It is impossible for them to do that in the winter?

Mr. EDDY. Yes.

Senator LANE. Do those Indians put up any ensilage?

Mr. EDDY. No; they have not arrived at that point yet.

Senator LANE. They put up hay though?

Mr. EDDY. Alfalfa hay; yes.

Senator LANE. Do they make any butter?

Mr. EDDY. No butter. They are keeping some milch cows though.

Senator LANE. Do they have milk?

Mr. EDDY. They are just beginning to keep milch cows.

Senator LANE. Is there any tuberculosis in the cattle?

Mr. EDDY. We presume not.

Senator LANE. Have you tested them?

Mr. EDDY. They have not been recently inspected, but they were inspected before they were brought in there.

Senator LANE. Do you raise chickens?

Mr. EDDY. They are beginning to keep chickens. These were a nomadic, shifting people, you know.

Senator LANE. Do they have any musical instruments among them?

Mr. EDDY. Phonographs only.

Senator LANE. Do they enjoy those?

Mr. EDDY. Very much.

Senator LANE. Do they have dances?

Mr. EDDY. To some extent, but not at all as they used to.

Senator LANE. I do not mean the savage dances. Do they dance the white man's dances?

Mr. EDDY. At the schools only.

Senator LANE. The tango, for instance?

Mr. EDDY. I have not noticed the tango.

Senator LANE. Are they religious people?

Mr. EDDY. After their manner.

Senator LANE. In what way?

Mr. EDDY. They are very religious as Indians, you know. They have great respect for their concepts; that is, the missionaries do not make much of a dent on the Cheyennes.

Senator LANE. What is their religion?

Mr. EDDY. Well, it is a very devoted appreciation of nature, I would imagine.

Senator LANE. Have you inquired into it in any particular way?

Mr. EDDY. No; I have not, not as a study; but Dr. Grinnell, who has studied these people for 23 years, states that the Cheyennes are perhaps more thoroughly religious than any Indians in the United States.

Senator LANE. You do not know in what way?

Mr. EDDY. Well, I suppose in respect at all times for the occurrences of the day, as things change—the shadow crossing the path, the sun, the stars—whatever comes to a native people by signs.

Senator LANE. Each one has a meaning?

Mr. EDDY. To them.

Senator LANE. They attach a significance to it?

Mr. EDDY. Very markedly. If you cross before a tepee door at a certain time it is significant—

Senator LANE. Either good or bad luck?

Mr. EDDY. Yes.

Senator LANE. That is superstition, so called by others who do not believe in it.

Now, the total of your pay roll is \$42,236. How much is that per capita?

Mr. EDDY. It would be about \$28; \$17,000 of that, you will notice, is paid to Indians.

Senator LANE. What are those Indians doing?

Mr. EDDY. Police interpreters, farmers, school physicians—

Senator LANE. Well, it is going into salaries just the same. That is \$30 a year for each Indian's supervision?

Mr. EDDY. The \$17,000, of course, filters back into the tribe.

Senator LANE. Yes; there is \$17,000 that comes back into the tribe. Now, you have "health" here. How many physicians are there?

Mr. EDDY. Two-allowed.

Senator LANE. How many nurses?

Mr. EDDY. One now.

Senator LANE. You have a little hospital there, you say?

Mr. EDDY. None. We ought to have one.

Senator LANE. Could you not put up some tepee hospitals for your tubercular cases? What do the doctors think of it?

Mr. EDDY. Very favorably. I think the commissioner's plan is something of that sort.

Senator LANE. Does it cost much to put up a tepee?

Mr. EDDY. Very little.

Senator LANE. How much do you think?

Mr. EDDY. \$30.

Senator LANE. Now, you have here "stock, \$8,760."

Mr. EDDY. That is, employees engaged with stock—the superintendent of live stock—

Senator LANE. You have a superintendent of live stock? What do you pay him?

Mr. EDDY. \$1,500.

Senator LANE. What does he do?

Mr. EDDY. He supervises generally the live-stock industry.

Senator LANE. In what way does he supervise it?

Mr. EDDY. He gets right out and lives with it on the range.

Senator LANE. Watching the cattle?

Mr. EDDY. And the horses and the line riders.

Senator LANE. How many cattle are there?

Mr. EDDY. Something over 6,000 head.

Senator LANE. How many horses?

Mr. EDDY. Probably 7,000 head. There are 100 draft breeding studs in that.

Senator LANE. That is for improving the stock. How is the stock? Is it getting better?

Mr. EDDY. Yes, sir; very much better.

Senator LANE. Do these 100 improved stallions run on the range?

Mr. EDDY. They run on the range.

Senator LANE. Do they fight?

Mr. EDDY. They do not.

Senator LANE. They do not kill one another?

Mr. EDDY. Not that we notice.

Senator LANE. You have 13,100 head of stock, and you have a superintendent. Then you also have how many line riders?

Mr. EDDY. Eight.

Senator LANE. That is nine men to take care of this stock.

Mr. EDDY. There are 10; there is another man.

Senator LANE. Is not that almost too many?

Mr. EDDY. The present superintendent of live stock thinks he can keep them wonderfully busy.

Senator LANE. What would the cattlemen do about that?

Mr. EDDY. They would have many more.

Senator LANE. How many would they have?

Mr. EDDY. Probably three times as many.

Senator LANE. For that many stock?

Mr. EDDY. Yes, sir. You see it takes almost as many men to look after that much stock on that reserve as if it was full of stock.

Senator LANE. Is it on account of the character—

Mr. EDDY. The character of the range all over the country—spread all over the 460,000 acres.

Senator LANE. Under "irrigation" you have \$900 for a man?

Mr. EDDY. Yes, sir; he is a supervisor.

Senator LANE. What does your irrigation amount to? What does it cost the Indians?

Mr. EDDY. That amount each year.

Senator LANE. What did it cost them to put in a plant?

Mr. EDDY. \$125,000.

Senator LANE. Has that been paid?

Mr. EDDY. That has been paid. That was constructed under the supervision of the irrigation division exclusively.

Senator LANE. \$125,000 for 1,200 acres of land?

Mr. EDDY. Yes, sir; I might say that the chief engineer, Mr. Code, reporting upon this proposition, stated originally that merely as an engineering proposition he could not recommend it by reason of the excessive cost that would be entailed, but as the people in this particular group were 75 miles from a railroad, had had no advantages since they had been there for 30 years, and there was very little irrigable land available, it was worth while as a laboring proposition to undertake the work at great cost.

Senator LANE. You employ Indians a good deal?

Mr. EDDY. Exclusively now.

Senator LANE. This land is divided into 20-acre allotments? Every Indian on the reservation has 20 acres?

Mr. EDDY. No; just as many as the land will run. There are about fifty-seven 20-acre allotments, I think.

Senator LANE. Did the Indians, who secured these allotments, pay for this cost?

Mr. EDDY. No; that was a gratuitous appropriation.

Senator LANE. How did they happen to get the allotments in preference to anyone else? How did you settle that?

Mr. EDDY. We called the Indians there in council—those who held the larger tracts through which the canal ran—asking them if they would not consent to the subdivision, saying that the watered 20 acres would be worth more than the unwatered 100 acres. Theirs is a communal spirit, and the Indians, after a council, agreed to move out and allow their neighbors to come in.

Senator LANE. The Indians are all socialistic in that way, you know.

Mr. EDDY. Very.

Senator LANE. Have they had any potlatches there since you have been there?

Mr. EDDY. I do not know of any, Senator.

Senator LANE. What would you say is the actual value of those houses they live in—these log cabins? What does it cost to build them?

Mr. EDDY. The old houses they live in would be valued at probably \$100 or \$150.

Senator LANE. What are they built of—logs?

Mr. EDDY. Just logs.

Senator LANE. What kind of logs?

Mr. EDDY. Pine logs. We have a fine timber country—the Montana mountain pine.

Senator LANE. Not the lodge pole?

Mr. EDDY. No; that grows about 100 miles away in the Big Horn country.

Senator LANE. It would be worth about \$100?

Mr. EDDY. About \$100.

Senator LANE. How many rooms?

Mr. EDDY. One or two.

Senator LANE. How many will live in one room? A whole family?

Mr. EDDY. Yes, sir.

Senator LANE. That ought to be stopped. They did that in the tepee, but the tepee ventilated itself.

What kind of quarters have you?

Mr. EDDY. Very good quarters.

Senator LANE. What did your house cost, do you suppose?

Mr. EDDY. The value of the house that was built for the superintendent would be about \$6,500.

Senator LANE. Are you a married man?

Mr. EDDY. Yes, sir.

Senator LANE. Any children?

Mr. EDDY. Two children.

Representative BURKE. I would like to ask Mr. Eddy a few questions, although I have no information as to what this inquiry is leading to.

Senator LANE. It is to ascertain what the conditions are on that reserve so we may compare it with others in a general way.

Representative BURKE. Mr. Eddy, in speaking of tepees, do you have in mind the Indian tepee and not a tent?

Mr. EDDY. I really meant both by tepees, Mr. Burke.

Representative BURKE. To what extent are the Indians discontinuing the use of the old tepee and living in the ordinary tent?

Mr. EDDY. To a very considerable extent. There are many more tents than there are tepees.

Representative BURKE. The younger Indians take to the tent rather than to the tepee, do they not?

Mr. EDDY. Yes, sir.

Representative BURKE. And the tepee gradually is disappearing?

Mr. EDDY. It is gradually disappearing.

Senator LANE. That is a mistake on the part of the Indians.

Representative BURKE. These log houses you have described, have many of them ceilings?

Mr. EDDY. We have a planer that we got last year, and we have planned to ceil these one or two room houses for the Indians.

Representative BURKE. Are any of the cabins there now ceiled?

Mr. EDDY. None of them.

Representative BURKE. Then, if the openings for ventilation were put in at each end of the cabin, in the gable, as suggested by Senator Lane, it would furnish ventilation if you could keep it open?

Mr. EDDY. It would; yes, sir.

Representative BURKE. Now, you stated your idea of ventilation was to have them live in houses and have fireplaces?

Mr. EDDY. That has always appealed to me since I have studied the proposition as the most practical thing to urge generally throughout the Indian country.

Representative BURKE. It would be difficult for them to shut off the ventilation?

Mr. EDDY. That is the point exactly.

Representative BURKE. Would it be desirable, in your opinion, to encourage the Indians to live as they did originally, in tepees, which means whole families occupying one apartment?

Mr. EDDY. It would not, of course, be progressive to encourage them to do that, as that would not be inculcating ideas of good moral relationships, as we understand them, in the one-room tepee. But unquestionably, from the standpoint of health, it would be better for the Indians to have the well-ventilated tepee.

Representative BURKE. What are the climatic conditions there in the winter?

Mr. EDDY. Very severe, at times.

Representative BURKE. How severe?

Mr. EDDY. It is sometimes 40 below for two or three days at a time.

Representative BURKE. Do you have much snow?

Mr. EDDY. Not so much snow, but considerable at times. For four winters up until two years ago we had a good deal.

Representative BURKE. Over what period of time does that extreme cold last?

Mr. EDDY. In my experience, it has lasted for 30 days at a stretch, but generally not more than 5 or 6.

Representative BURKE. But during a period of how many months?

Mr. EDDY. Four months.

Representative BURKE. During the winter months is there a tendency on the part of these Indians to get together, more than one family in a cabin, living in one house?

Mr. EDDY. They tend to congregate somewhat, but not as much perhaps as you have noticed among some other Indians.

Representative BURKE. What do they use for fuel?

Mr. EDDY. Wood, mainly.

Representative BURKE. Can they get an abundance of fuel?

Mr. EDDY. A great abundance.

Representative BURKE. Your reservation contains 460,000 acres?

Mr. EDDY. Yes.

Representative BURKE. How are the Indians located upon that reservation with relation to the agency?

Mr. EDDY. They are very widely dispersed; up and down the Rosebud Creek, a stream about 40 miles long, a third of them are located; on the various side creeks on the reservation another third; and on Tongue River about a third.

Representative BURKE. When you say a third here and a third somewhere else, does that mean that they are divided into three bands, living along different rivers or creeks?

Mr. EDDY. They are really divided into five rather distinct bands. They do not mingle much as between bands. And two of these bands would be strung along that Rosebud Creek.

Representative BURKE. How long a distance?

Mr. EDDY. Forty miles.

Representative BURKE. What is the farthest point from the agency where there is any Indian living?

Mr. EDDY. About 32 miles.

Representative BURKE. Is the agency located so it is reasonably near the center of the reservation?

Mr. EDDY. The location is perhaps as good as it could be, the roads being as they are.

Representative BURKE. One of these schools is located at the agency?

Mr. EDDY. One at the agency.

Representative BURKE. Where is the Catholic school?

Mr. EDDY. That is 25 miles from the agency.

Representative BURKE. Where is the Birney Day School?

Mr. EDDY. That is 25 miles in a different direction, and 25 miles from the Catholic school.

Representative BURKE. Where is the Lame Deer School?

Mr. EDDY. At the agency.

Representative BURKE. That is the agency school?

Mr. EDDY. But the Busby School is the training school, 18 miles from the agency. All the schools are separate from each other.

Representative BURKE. Do any of the Indians attend nonreservation schools?

Mr. EDDY. We have had very poor success with nonreservation schools. The first year I took charge I was struck with the backward condition of the children, and thought it would be well to send a good many of them off, and I sent 35 to Carlisle the first six months,

but the results were so disastrous I could not bring myself again to encourage the Indians to go great distances.

Senator LANE. In what way was it disastrous?

Mr. EDDY. There was such a tremendous death list—sickness—homesickness.

Representative BURKE. Do any of these Indians attend the schools in North Dakota or South Dakota?

Mr. EDDY. Some of them have attended the Rapid City schools—to good advantage, by the way.

Representative BURKE. What number of children belonging to this reservation were in nonreservation schools this last year, if any?

Mr. EDDY. Not over 10. I think it should be made clear to the committee why that should be so. The Indians have not got over the Carlisle and Haskell experience.

Representative BURKE. Of the amount of money that was appropriated under the 1877 treaty for subsistence, has any portion been used to pay for Indian labor instead of purchasing subsistence and issuing it to the able-bodied Indians?

Mr. EDDY. The way we have handled that has been to recognize that at our isolated point the treaty funds would buy twice as much subsistence for the Indians as if we gave them labor out of the treaty funds, and then they used the proceeds to buy subsistence. And because of that fact we have thought it was good administration, in the face of criticism at this end, to feed practically all of those Indians and support two basic industries which have developed at a rate which will very soon mean absolute independence for the Northern Cheyennes if these policies are supported.

Representative BURKE. Now, briefly, what were the conditions that obtained upon this reservation when you first went there, about eight years ago, I think you said?

Mr. EDDY. Eight years ago. The Indians were in an absolutely disheartened state. They had no resources other than as you provided them in the treaty funds. They could not get any grazing funds, of course, although they had no cattle, because their reputation was such that the white lessees would not come in. On that proposition I had to make a year's personal canvass in that country to induce the people to come in, although now they jump over each other. There was very little work in the local country for those people, and the Indians were disheartened and poor.

Representative BURKE. What educational facilities did they have at that time?

Mr. EDDY. They had the Catholic school, and this boarding school had been constructed about two years previous to my going there, and this Lame Deer school. There was no school at Birney in this Tongue River district.

Representative BURKE. Then, at that time they were practically subsisting largely upon what the Government issued to them in rations? Did they do any hunting or fishing?

Mr. EDDY. Game had been pretty well worked off. They, of course, got a few prairie dogs, and they did fish a little, but they had very little to eat.

Senator LANE. Did they eat prairie dogs?

Mr. EDDY. Oh, yes; they eat dogs.

Representative BURKE. When was it that you first began the creation of a herd of cattle or other stock on this reservation?

Mr. EDDY. The first stock provided for was by the act of May 27, 1902, and we got 1,000 heifers and 40 bulls in July, 1903, as the result of that legislation, costing \$28,000.

Representative BURKE. That was before your time?

Mr. EDDY. Yes; but there had been no sales from that group. Then, in 1906, due perhaps to the pressure we put upon the proposition, we got under the act of June 21, 1906, another 1,000 heifers and 40 bulls. As a matter of fact, it should be stated that of the first 1,000 heifers 370 of them were not breeding heifers, making really only 1,700 heifers that have been provided those people by the Government.

Representative BURKE. Was there not some spayed stock in there?

Mr. EDDY. Yes; that was the point.

Representative BURKE. You say that for eight years you have produced from stock about \$240,000, and a large part of it the last five years—

Mr. EDDY. In net results; and we have, in addition to that, a detailed inventory taken on the range of \$300,000 value, which makes a cattle showing of \$500,000 returns and better.

Representative BURKE. What were the returns of last year of which you have an account?

Mr. EDDY. About \$48,000.

Representative BURKE. How did that compare with the preceding year?

Mr. EDDY. An increase, I think, of \$6,000.

Representative BURKE. And how that year over the year before?

Mr. EDDY. About \$38,000.

Representative BURKE. Do you know whether or not this idea of purchasing stock and encouraging Indians along industrial lines, as we are rapidly developing, began anywhere else than upon this reservation?

Mr. EDDY. Really, I do not know that; it may, of course, have been done, but perhaps not distinctively as a stock proposition.

Representative BURKE. Have you been advocating this policy, and have you appeared at any time before either the committee of the Senate or the committee of the House with reference to this proposition?

Mr. EDDY. I have recognized, Mr. Burke, that if the Congress would see fit to stock this reservation the Indians would be very soon altogether self-supporting. I have recollection in 1908 of having directly recommended to the attention of the commissioner that he provide 3,000 cows with calves at side, from funds to be made reimbursable, indicating from the showing we had made that such appropriations might be returned to the Treasury in a very short time, and these Indians would be entirely beyond need of gratuitous relief.

Failing in that, I have interested myself in interesting Mr. Grinnell and others to endeavor to get philanthropic funds, at 4 per cent if need be, to quickly stock this reservation, knowing that health, education, and the general advance of these Indians would come if we had the money to support the industries that were needed there.

Representative BURKE. Have you not appeared subsequent to 1908 before some of the committees of Congress advocating this idea?

Mr. EDDY. Yes, sir. Mr. Abbott, Mr. Valentine, and Mr. Leupp have permitted me to boost for these propositions ever since I have been in the service, and I believe I have talked to you about these matters. I know I have talked with Mr. Mondell, Mr. Carter, Mr. Stephens, Senator Myers, and others of the Senate, so as to give them an impress of the value of the stocking proposition to the northern Cheyennes.

Representative BURKE. Did not these Northern Cheyennes have an interest in the so-called \$3,000,000 Sioux fund?

Mr. EDDY. Their capital share was about \$48,000.

Representative BURKE. My question was: Didn't they have?

Mr. EDDY. They did.

Representative BURKE. Did not Congress recently—I think, perhaps, last year—authorize the withdrawing from the Treasury of their share of that fund for the purpose of adding it to the other funds of the Indians and increasing the herd of cattle on that reservation?

Mr. EDDY. They did.

Representative BURKE. And what was that amount?

Mr. EDDY. \$48,000.

Representative BURKE. Do you remember appearing before the Indian Committee of the House when you recommended and advocated that that be done?

Mr. EDDY. I do, once or twice, on the petition of the Indians that we urged them to get behind four years previously. We showed them they could get 40 per cent rather than 4 per cent if they would put that money into cattle.

Representative BURKE. How much money has the Government been appropriating annually for the last 10 years under the treaty of 1877?

Mr. EDDY. \$99,000 over all, to be divided between the Northern Cheyennes at Lame Deer and the Arapahoes at Wind River, out of which we got our pro rata share. We have 1,400 Indians; they have something over 700 Indians.

Representative BURKE. I understand. How much has it been annually at this reservation?

Mr. EDDY. About \$53,000.

Representative BURKE. What is going to be the outcome, in your opinion, if you continue this plan that has been adopted and which prevails there to-day with relation to the tribe ultimately becoming self-supporting; and if so, when?

Mr. EDDY. I believe in six years we can take those Indians entirely out of the Treasury.

Representative BURKE. Are you familiar with the treaty of 1877?

Mr. EDDY. Yes, sir.

Representative BURKE. What does it provide?

Mr. EDDY. It provides that those Indians shall be supported by the Government until they are capable of self-support.

Representative BURKE. Then there will be no obligation resting upon the Government under that treaty to continue the gratuity appropriations when they do become self-supporting?

Mr. EDDY. None.

Representative BURKE. When was this reservation fenced?

Mr. EDDY. About 10 years ago three-quarters of the reservation was fenced, and 8 years ago the last quarter.

Representative BURKE. How was that paid for?

Mr. EDDY. The last quarter by a special act of Congress, the act of May 27, 1902.

Representative BURKE. The cattle that you say have been ranging there, owned by Mr. Taintor—do they run generally over the reservation in connection with the tribal herd?

Mr. EDDY. Mixed with the tribal herd—not the tribal herd; this is run individually in 460 separate brands now, but we hope to have it merged.

Representative BURKE. Is the reservation divided by fence?

Mr. EDDY. Not by fence.

Representative BURKE. How do you keep the cattle separate?

Mr. EDDY. We do not attempt to.

Representative BURKE. You have them ranging in together?

Mr. EDDY. They range together.

Representative BURKE. And at the round-up time they are separated, I suppose, and when they are shipping they cut out their cattle which are branded?

Mr. EDDY. Yes, sir; the permittee brings in his outfit, and we have our outfit. They all work together but feed apart.

Representative BURKE. Is it your intention to continue this leasing proposition indefinitely?

Mr. EDDY. I have always been against the leasing proposition, except as it was the second best thing.

Representative BURKE. If the tribal herd increases, I presume you will have to discontinue it?

Mr. EDDY. We have really made a provision in the present permit to reduce the number of lessee cattle, provided that Congress provides the money for additional cattle as asked.

Representative BURKE. How do you determine who the lessee is to be and what rate he is to pay?

Mr. EDDY. By competitive bids, opened in the Indian Office.

Representative BURKE. How long are those leases made for?

Mr. EDDY. Now, three years; formerly, one year.

Representative BURKE. Have you had any trouble on account of differences between the Indians and the employees of the cattle company by reason of the fact that this lessee is in the reservation?

Mr. EDDY. No great amount on that account, but they are troubled on their accounts with the permittees.

Senator LANE. In what way?

Mr. EDDY. Only last year we had three investigations resulting from the differences that arose between two partners on that reservation which cost us a great deal of money and which netted no good to the reservation and have stirred the Indians badly.

Representative BURKE. Differences between lessees?

Mr. EDDY. Partners falling out themselves and calling upon the Government to settle their differences.

Representative BURKE. What differences?

Mr. EDDY. One permittee charged, through his foreman, that the other had put on some 1,300 head of cattle by stealth, and three investigations were ordered to determine whether or not this was a

fact. The investigations determined really nothing; nothing could be proved.

Representative BURKE. Have you had any trouble with fire on that reservation?

Mr. EDDY. We have been very fortunate in being able to suppress practically all fires as soon as started in the last eight years.

Representative BURKE. Have you had any fires started due to any feeling between Indians or the reservation against these permittees?

Mr. EDDY. None at all. The Indian feeling has been a good feeling. There have been no differences up until a year ago between whites and Indians that I have noticed.

Representative BURKE. Are all these Indians allotted?

Mr. EDDY. None of them. This is an unsurveyed reserve.

Representative BURKE. The only allotments then are these—

Mr. EDDY (interposing). Tentative allotments that the Indians are—

Representative BURKE (continuing). These irrigible 20-acre tracts?

Mr. EDDY. Yes, sir. Pardon me, there was a large fire, Mr. Burke, about five years ago through the forest.

Representative BURKE. Of this amount that was expended at the boarding school, does that include subsistence and clothing?

Mr. EDDY. No; this amount is the salary—the ordinary salary list that obtains at most boarding schools.

Senator LANE. These cattle, you say, run together on the range?

Mr. EDDY. Yes, sir.

Senator LANE. How can you separate the increase in the stock of the Indians from the lessees's cattle?

Mr. EDDY. We provided against that by determining at the start that the lessee should not have anything but steers on the reservation.

Senator LANE. So he gets no increase?

Mr. EDDY. He gets no increase. And one of the provisions of the contract is that all mavericks upon the range are Indian-owned cattle.

Representative BURKE. There is one other question I wanted to ask. To what extent do these farmers perform any services in connection with the cattle of the Indians or having to do with branding or rounding up, or in any other respect?

Mr. EDDY. In the past, previous to two years ago, when farming was less active than it is at the present time, we used the farmers to a very considerable extent in connection with the stock work. We have not had these Indian line riders except for about a year. This has been to turn the Indians into their own work.

Representative BURKE. Did we not use to make an appropriation specifically for a line rider?

Mr. EDDY. Two line riders. That was because of representations that there was a great deal of cattle killing down in that particular corner of the reserve where they were supposed to ride.

Senator LANE. What is the percentage of full bloods as to breed?

Mr. EDDY. That is shown by stating that there are probably not more than 10 intermarried whites on the reserve. It is practically a full-blood proposition.

Senator LANE. What kind of tribal organization do they have? Do they hold councils? Do they have a business committee?

Mr. EDDY. They have a business committee.

Senator LANE. Do they take an interest in the business affairs?

Mr. EDDY. They really do. Everything is put to them of interest to the tribe.

Senator LANE. You have a field matron?

Mr. EDDY. One field matron.

Senator LANE. What is her work?

Mr. EDDY. Serving as best she can to accomplish what good she can with the Indian women.

Senator LANE. How does she go about that work?

Mr. EDDY. She is provided with a saddle equipment and a buggy.

Senator LANE. She visits the Indians in their homes?

Mr. EDDY. She visits the Indians in their homes—a very industrious woman.

Senator LANE. What does she teach them?

Mr. EDDY. As best she can among those backward people, that it is well to clean their houses, to care for their babies, to wash their clothes, and she encourages them in the use of funds they may have.

Senator LANE. You were talking about tepees a while ago. You understand a tepee, then, to be any kind of tent?

Mr. EDDY. I really do not, Senator, but it is generally used that way.

Senator LANE. The Indians, you say, are virtuous?

Mr. EDDY. They are.

Senator LANE. Were they always so?

Mr. EDDY. They always have been so.

Senator LANE. Even when they lived in the tepees?

Mr. EDDY. Rather better so.

Senator LANE. Then you do not think that if they moved back into the tepees—I mean tepees, not tents—that they would suffer in any way? Their health would, perhaps, improve and their morals would be just as good?

Mr. EDDY. No; you know there is a general deterioration—there must be always among a people subject to the strictures of reservation life.

Senator LANE. I mean, it would be as good as it would be in one-room cabins?

Mr. EDDY. Oh, as good as in a single-room cabin; but we aim, Senator, to have two or three rooms, and separated, so that they may be easily cleaned.

Senator LANE. With regard to goiter, has that been on the increase under Government control?

Mr. EDDY. I suspect they always tended toward goiter; I do not know that.

Senator LANE. Did you ever inquire?

Mr. EDDY. I did not happen to inquire.

Senator LANE. I did not know how it was either. Now, you say they have not been specifically allotted?

Mr. EDDY. They have never been allotted—never been surveyed.

Senator LANE. I thought you said there were 20-acre allotments.

Mr. EDDY. By that I mean we arranged for the Indians to take tentative allotments, which, doubtless, ultimately will be awarded to them as their home sites.

Senator LANE. Twenty acres of land that is irrigible?

Mr. EDDY. Yes.

Senator LANE. And has water available? There is a good deal of surplus land there—is there, do you think?

Mr. EDDY. We would like very much to stock it.

Senator LANE. If you stocked it, how many head of stock would it carry?

Mr. EDDY. We think we could carry 30,000 head with winter feeding. That would give them an increase of nearly \$30,000 a year.

Senator LANE. Are those Indians increasing in numbers?

Mr. EDDY. Oh, they are holding their own.

Senator LANE. There are about as many deaths as there are births?

Mr. EDDY. About a stand-off. There is a great deal of infant mortality.

Senator LANE. What is that due to—summer complaint?

Mr. EDDY. Well, I suppose, in large part to the fact that the Indian mother there among those Indians will give the child watermelon rind, perhaps, or other indigestible things.

Senator LANE. That will produce indigestion?

Mr. EDDY. I think it is that more than anything else.

Mrs. LAURA J. KELLOGG. May I ask Mr. Eddy a question?

Senator LANE. Certainly.

Mrs. LAURA J. KELLOGG. I want to ask Mr. Eddy how many families he has on the reservation?

Mr. EDDY. About 400.

Mrs. LAURA J. KELLOGG. Does one field matron do all the work for the 400 families?

Mr. EDDY. Unhappily we have but one.

Mrs. LAURA J. KELLOGG. You said a while ago there were great distances between various families.

Mr. EDDY. Yes.

Mrs. LAURA J. KELLOGG. Does she cover all that?

Mr. EDDY. Oh, no. She only aims to work within the radius that would be tributary to one station.

Mrs. LAURA J. KELLOGG. She goes from band to band then at different seasons of the year?

Mr. EDDY. No; she stays at the agency and works the country that would be tributary to the agency location.

Mrs. LAURA J. KELLOGG. Do you not consider, Mr. Eddy—I am interested in your ideas—that this field matron's work is the most practical social conservation work that can be done on the reservation?

Mr. EDDY. I can not think of anything that will be more helpful to the Indians than the spread of the field matron service where you get actual social-service workers.

Mrs. LAURA J. KELLOGG. Has that ever been suggested, do you know?

Mr. EDDY. I have recommended, I think, that we have five field matrons at our place. I believe in that sort of thing, Mrs. Kellogg.

Mrs. LAURA J. KELLOGG. In my knowledge of Indians, I think that is the most effective thing there is in the way of really practical social service.

Mr. EDDY. Surely.

Mrs. LAURA J. KELLOGG. What is her salary?

Mr. EDDY. \$720 per annum.

Mrs. LAURA J. KELLOGG. Do you consider that adequate to get a woman—for instance, a woman who has had training in domestic science?

Mr. EDDY. I do not consider it adequate. A thousand dollars would appear to me to be a standard that would be respectable.

Mrs. JOHN M. SIMPSON. May I ask Mr. Eddy a question?

Senator LANE. Yes.

Mrs. JOHN M. SIMPSON. We had some experience in social work which we found very successful in Oklahoma. We did not go in and tell them they must clean up their houses, but we went in and told them we were going to hold a party at their house—perhaps tell them through an interpreter. My husband was there in the interest of agriculture, and I believe I may take the liberty of referring to the Member here who, I think, said once that my husband was the first, or among the first, to introduce agriculture in that State.

We would hold a meeting and call it an agricultural club or the Indian farmers' club, or some other name that sounded impressive to them. We would advertise it in the paper, and send them the paper. The children could usually read the paper. We would tell them what time it was going to be. They called in their neighbors—their tenants, who were often white people—and they cleaned up their houses, baked their cakes, cooked their turkeys, and set their table, and we had a photographer there and we had a picture taken. We usually had the babies in front. And there was nothing they gloried in so much as to have one of those pictures on the wall somewhere. We found that had a stronger influence, a greater influence in tending toward a better way of living than any other line of work we took up. We took that up voluntarily; it was my proposition really, and the ladies took as much pride in preparing for that reception as many of our Cabinet officers do.

Senator LANE. Now, your idea is to stock that reservation with cattle, and that it will carry 30,000 head?

Mr. EDDY. Thirty thousand head; you will have to eliminate horses when you get that many cattle.

Senator LANE. How many acres of that land have you that you could raise feed on for winter?

Mr. EDDY. We believe 30,000 acres.

Senator LANE. You think you have 30,000 acres that you could raise alfalfa on?

Mr. EDDY. Good feed. Much of that is high-divide land that might raise alfalfa. It certainly would raise grain.

Senator LANE. You would have to farm 30,000 acres, or about that, in order to carry your stock through the winter?

Mr. EDDY. We would; but in many places we could cut wild hay and spread it in the corrals about the reserve, convenient for feeding.

Senator LANE. That is crowding it, of course, to the limit?

Mr. EDDY. Not with winter feeding, you see. It would be if it was run as a straight range proposition.

Senator LANE. You issue rations how often?

Mr. EDDY. Once a month.

Senator LANE. They do not raise enough to subsist them now, do they? You were telling me that before.

Mr. EDDY. Hardly enough. They may this year.

Senator LANE. They never have?

Mr. EDDY. They never have.

Senator LANE. Now, Mr. Bostwick—I notice his name there, in the automobile business—who is he?

Mr. EDDY. Mr. Bostwick was a contractor.

Senator LANE. Where is he now?

Mr. EDDY. At the Crow Agency, running a sawmill.

Senator LANE. At the Crow Agency?

Mr. EDDY. Crow Reservation.

Senator LANE. Is he any kin to Mr. Bostwick the cattleman?

Mr. EDDY. No kin; this a Black Hills man.

Senator LANE. You said you were rationing about 1,300 Indians?

Mr. EDDY. Practically all the Indians.

Senator LANE. And the beef contract, you said, was owned by whom?

Mr. EDDY. Willis M. Spear.

Senator LANE. Who is he?

Mr. EDDY. He is a wealthy cattleman residing in Sheridan, Wyo., one of the lessees on the Crow Reservation.

Senator LANE. How do you get beef from him? Does he drive it in and butcher it there?

Mr. EDDY. He brings in beef monthly for several months, and then the winter beef is brought in in December.

Senator LANE. And then frozen?

Mr. EDDY. Yes, sir. It might be interesting to know that the Indians pledged themselves about two months ago to eat no more beef, believing that they can not afford to, and that they ought to put that into other subsistence to attack that tribal stock-growing proposition.

Representative BURKE. I wish you would develop how long they have been using that cold-storage proposition?

Senator LANE. Will you answer that?

Mr. EDDY. A few months.

Representative BURKE. They were killing monthly before that?

Mr. EDDY. For the last five years we have been slaughtering in December or January, carrying just as much as we could through, to save all the winter feed we could, and also to prevent shrinkage. We have always bought cows, because the Indians boil their beef and ship the better steers to market. It was not a good business proposition to buy cows from the Indians.

Senator LANE. You mean to say that you buy beef of Mr. Spear, who raises it over on the Crow Reservation? Is that right?

Mr. EDDY. I imagine he raises it there.

Senator LANE. Yes; he is one of the men that have a large lot of stock there. He ships it over to your reservation, and at the same time you sell cattle of your own to the market?

Mr. EDDY. Yes; we raise much better cattle than are raised anywhere in the country, and command the highest prices on the Chicago market, and that being the case it pays us to buy the cheaper cows, which the Indians use and boil, rather than use this expensive beef.

Senator LANE. How much do you pay for beef?

Mr. EDDY. Now, 6 cents.

Senator LANE. What do you get for your cattle?

Mr. EDDY. Seven and eight cents.

Senator LANE. So you make a profit by selling your own and buying the other man's?

Mr. EDDY. Yes, sir. Of course, 6 cents is only the recent price.

Representative CARTER. You only get 7 and 8 cents?

Mr. EDDY. We have got $8\frac{1}{2}$, but generally 7 and 8.

Representative BURKE. That is a good price for grass cattle.

Mr. EDDY. They are all grass cattle. We are now feeding them some grain.

You mentioned the superintendent's house and the social service work. In connection with that I think it ought to be known that, although that house represents a considerable cost, it was built very largely as a social center for Indians and whites on the reservation.

Representative CARTER. How many Indians have you on this reservation?

Mr. EDDY. About 1,400.

Representative CARTER. How many acres of land are there in the reservation?

Mr. EDDY. About 460,000 acres.

Representative CARTER. How much of it is in the so-called 20-acre allotments?

Mr. EDDY. Along the Tongue River ditch there are about 57 of those 20-acre allotments.

Representative CARTER. Would there be sufficient irrigable land to give each Indian a 20-acre allotment?

Mr. EDDY. There are about 7,000 acres of irrigable land on the reservation that it would take about \$300,000 to develop. It is very expensive. It runs for 35 miles, and the canal would be for about a mile parallel to the river.

Representative CARTER. How many acres have you now that is being used for pasturage?

Mr. EDDY. Four hundred thousand, about.

Representative CARTER. That will pasture about how many cattle?

Mr. EDDY. About 30,000. We have the best grazing land, probably, in Montana.

Representative CARTER. Do you think it is a better plan to have an Indian tribal herd than to have the cattle individualized and let every man own his own portion of them?

Mr. EDDY. Ultimately the Indians must individually own their cattle. We have planned, however, to stock the reservation, so that when that time came the reserve would be stocked with cattle, and it would be an unanswerable argument to those who wanted to diminish the reservation.

Now, it is readily seen that if we tribalize the herd we can arrange for winter feeding by buying every pound of grain and hay that the Indians raise from the sales. That gives every Indian a liberal market, and the value, you see, will come back to the Indian again when the cattle are sold, because the stock will be so much heavier and better. And to get more money immediately—which has been our work and aim there—we have felt it best, and the commissioner has believed it best, to tribalize the herd under the situation we now have.

Representative CARTER. How many have individual cattle now?

Mr. EDDY. About 400 to 450.

Representative CARTER. And your policy now is to take away those cattle they have individually and place them all in a tribal herd?

Mr. EDDY. That is the plan; and that having been presented to the Indians, they are practically unanimous in approval of the idea.

Representative CARTER. How are those Indians getting along that have their own small herds?

Mr. EDDY. Fairly well; but of course the Indian is not in the cattle business as he is in the horse business. His relation with his horses is intimate. With cattle it is not an intimate relation.

Representative CARTER. I take it from what you have said you think the Indians have not yet reached the point where they could be trusted to have the cattle individualized?

Mr. EDDY. They really have not. These Indians are backward.

Representative CARTER. Do you not think these Indians who have their individual herds might take a step backward when you bring them into a tribal ownership?

Mr. EDDY. Really I do not, because the horse herds will remain as individual property, and they will take a step forward in that they will go to work upon their farms and have a market for their labor.

Representative CARTER. Are these herds horses or cattle, or both?

Mr. EDDY. They are both.

Representative CARTER. How much have you in the tribal herd now?

Mr. EDDY. None in the tribal herd; they are all individualized.

Representative CARTER. How much will it cost to build up this tribal herd that you are speaking of?

Mr. EDDY. We had hoped—we did present to the commissioner a proposition that \$200,000 be at once set aside to fully stock the range at once. But we have \$48,000 worth of cattle that will come this spring—1,100 head, about—and the provision of the bill calls for a \$50,000 purchase of cattle. We think this, with the 6,000 we have, Mr. Carter, will put us, as I say, very well along at once.

Representative CARTER. There is \$50,000 in the present bill?

Mr. EDDY. There is \$50,000 in the bill for this purpose.

Representative CARTER. That, you think, will be sufficient for the present wants?

Mr. EDDY. I would rather have \$200,000.

Representative CARTER. I would rather have \$200,000 than \$50,000 myself, but that is not the question. Will the \$50,000 enable you to do what you want to do?

Mr. EDDY. Not all we want to do.

Representative CARTER. But it will enable you to start the system?

Mr. EDDY. It will enable us to start the system.

Representative CARTER. I am not very strongly in favor of tribal ownership, I am frank to say, if we can get the ownership in the individual, because my opinion is that the hope of the Indian is to give him individual responsibility at the earliest possible moment.

Mr. EDDY. I believe in that generally, Mr. Carter. You see, if the Indians keep their herds down upon their small ranches, caring for them in the winter at home, there is so little pasturage about the home acreage that the cattle are likely to die there through a shortage of forage, and once being started on hay, if there is not enough in

that small place it will go hard with them. Tribally we could put stacks all about the reservation and care for them, we think, better.

Representative CARTER. What reservation is this?

Mr. EDDY. This is Tongue River—the Northern Cheyenne Indians—in Montana, Rosebud County.

Representative CARTER. How long do you have to feed there?

Mr. EDDY. We feed probably three months—January, February, and March.

Representative CARTER. Can you get along with that little feed?

Mr. EDDY. Yes; we do not have so much snow there.

Representative CARTER. The cattle will go through on the range, on grazing for eight months, will they?

Mr. EDDY. They really have always gone for 12 months. They have never been winter fed.

Representative CARTER. Under what act were these 20-acre allotments that you speak of set aside?

Mr. EDDY. No act; just an arbitrary arrangement.

Representative CARTER. Then there are no arrangements made?

Mr. EDDY. Not definitely.

Representative CARTER. How were the homes placed on them?

Mr. EDDY. By the Indians themselves.

Representative CARTER. In case of death of one of the occupants of one of these allotments, how do you arrange about the descent of that?

Mr. EDDY. That is determined by the good nature that prevails among those people, and their willingness to allow the next oldest supporter in the family to take the tentative right. There is no legal status to the proposition.

Senator LANE. Now, you were talking about putting those Indians into the stock business, putting 30,000 head, if you could, on the reservation, putting them into that business exclusively. Do you not think you would be running a terrible risk there? There might come a hard winter, like the Blackfeet had in which they lost pretty nearly all of their cattle, five or six years ago, and you would be in bad shape there if you got a winter with 40 below, and blizzards, and your cattle drifting before the storm. You might make a heavy loss some winter, and might bankrupt those Indians.

Now, is it not a fact, Mr. Eddy, that those Indians are really horsemen, and they would do well raising, say, a good breed of these English coach or percheron horses? They like a horse, and a horse likes the Indians. You know what they will do with their little cayuse; give them a good horse and they will do better. And a horse will paw through the snow for grass when a steer can not. You had better look into that carefully. Would they not do better with horses than with cattle? You have the cattle business to teach them, whereas they have been horsemen for years.

Mr. EDDY. As I stated, the Indians are more seriously on their own account in the horse business.

Senator LANE. That is their natural inclination?

Mr. EDDY. Their natural bent.

Senator LANE. Would it not be a little safer for them, and better, perhaps, to take that into consideration? For that thing which a man loves he will do well, and that which he has not so much interest in he will not always succeed with.

Mr. EDDY. As evidence of the interest I have taken in that I might show you contracts I have secured of outside stockmen to put in horses and mares and get his pay in colts from the Indians.

Senator LANE. How does it work?

Mr. EDDY. Wonderfully well. I asked Mr. Linnen one morning to go out with me to inspect mares and the proposition I had up, because I realized it would be looked upon as a grafting proposition, and I invited his opinion as to whether or not it was a safe thing, and I am glad to say that he looked upon it as a good proposition.

Senator LANE. I will say I would not put up much money to stake you to put those Indians into the cattle business, but I would not be afraid to back those Indians in a horse proposition.

Mr. EDDY. That is very interesting, Senator, but you know two years ago—three winters ago we had the worst winter in 40 years, and although the losses were as heavy as you said they would be outside the reserve, inside—because the conditions are so different—although we did lose considerable, and I could have made a better showing had we not had that hard winter, we did not lose to any such degree as one would expect.

Senator LANE. What was the percentage of loss among horses, as compared with cattle, during that hard winter?

Mr. EDDY. Of course, very much less.

Senator LANE. And does not that tell the story?

Mr. EDDY. No; I do not think so, completely; because we did not do any feeding that winter.

Senator LANE. You fed neither the horses nor the cattle?

Mr. EDDY. Yes; we did feed the horses. The Indians care for their horses.

Senator LANE. Won't they always do that?

Mr. EDDY. Yes. You see, under the new plan we plan to feed the cattle.

Senator LANE. Did you ever feed cattle, and did you ever feed horses? Have you been out on a winter day and had to feed cattle when it was 30 or 40 below?

Mr. EDDY. Of course, we fed cattle there in the winter before we had the winter storage.

Senator LANE. It is very hard work, and not the kind of work the Indian likes, whereas he will keep his horses pretty close around. And a horse will live out when it is 50 below, and live where a steer will die. Horses have been known to winter in the Koyukuk country in Alaska above the Arctic Circle, and get fat.

Mr. EDDY. These pony mares, worth only \$15 or \$20, will produce a colt on the first cross that would be worth \$50 or \$60 at two or three years old.

Senator LANE. And if you take a better breed of horses—

Mr. EDDY. They are worth more.

Senator LANE. Percheron horses will live out that way in Alaska. I would like to have you take that into consideration.

(At this point Senator Robinson took the chair.)

Senator ROBINSON (presiding). You say these Indians are all engaged in farming, practically?

Mr. EDDY. They are now.

Senator ROBINSON. What number of them receive rations?

Mr. EDDY. Practically all of the Indians.

The CHAIRMAN. How does it happen if they are farming that they all have to have rations?

Mr. EDDY. We feel the money is best expended for rations, Senator, to subsist them while they are being encouraged to develop as farmers and stockmen.

The CHAIRMAN. What amount of rations does each Indian draw?

Mr. EDDY. Practically \$25 worth per capita per year.

The CHAIRMAN. What does that consist of?

Mr. EDDY. Beef, bacon, beans, flour, corn meal——

The CHAIRMAN. How long have you been in charge of that agency? I suppose you have already stated.

Mr. EDDY. Seven and one-half years.

The CHAIRMAN. What is the amount of rations now issued compared with what was being issued when you took charge?

Mr. EDDY. When I took charge of the agency 800,000 pounds of beef were authorized each year. Last year we issued but 350,000 pounds and next year we will issue no beef.

The CHAIRMAN. Why?

Mr. EDDY. Because we have enlisted the interest of the Indians to forego the use of all beef, as it costs too much, and to take other cheaper substitutes while it is necessary and proper to give them rations at all.

Senator LANE. What will those substitutes be?

Mr. EDDY. It will be flour, bacon, corn meal, coffee, sugar, baking powder, salt——

Senator LANE. What will you use to take the place of beef?

Mr. EDDY. The flour.

Senator LANE. It will not do it.

Mr. EDDY. Of course, we plan to have butcher shops upon the reservation, so that with the increasing return from the stock business the Indians can buy at the lowest possible rate such meat as they desire to buy.

Senator LANE. You have tuberculosis among those Indians. I suppose 100 per cent of them, almost, are tubercular?

Mr. EDDY. Most of them.

Senator LANE. None of them free entirely. If you are going to substitute flour for beef I warn you, as a physician, to beware and to get something more nutritious.

Mr. EDDY. The Indian Office, Senator, has taken the position that we should not issue to exceed 150,000 pounds of beef and that is almost negligible. It would not give more than 3 pounds a month, you see, per capita.

Senator LANE. Even that would be better than doing entirely away with it and using flour in place of it. If you put in lentils——

Mr. EDDY. We have beans, pardon me.

Senator LANE. Or cheese to take the place of it, you will make an approach.

The CHAIRMAN. What number of them were farming when you went there?

Mr. EDDY. Very few of them.

The CHAIRMAN. What is the total area of land cultivated now by these Indians?

Mr. EDDY. About 3,000 acres.

The CHAIRMAN. What is the number of them?

Mr. EDDY. One thousand four hundred.

The CHAIRMAN. What crops do they grow?

Mr. EDDY. Alfalfa, corn, potatoes, barley, garden produce—

The CHAIRMAN. Are any of them self-supporting?

Mr. EDDY. Some few are self-supporting.

The CHAIRMAN. How many and who are they, if the number is not too great?

Mr. EDDY. Perhaps 20.

The CHAIRMAN. Among that 1,400, only 20 are self-supporting?

Mr. EDDY. I do not think more than 20.

Representative CARTER. Are any of the 20 being issued rations?

Mr. EDDY. I believe we are issuing to those 20.

The CHAIRMAN. You are issuing rations to those that are self-supporting? What is the object of that?

Mr. EDDY. There is \$25 extended to them, and we have felt, as a matter of policy, there being so few that were self-supporting, that the good feeling that came generally because of that would make it well to put them on that basis until we have funds enough to cut them more generally. They get so little, of course, anyway.

The CHAIRMAN. How many forest guards have you there?

Mr. EDDY. Two.

The CHAIRMAN. What are their names?

Mr. EDDY. Mr. Postle and Mr. Hendersen.

The CHAIRMAN. Is that the number you have had throughout your administration?

Mr. EDDY. I had one other—Mr. Adams.

The CHAIRMAN. What were the circumstances connected with his employment?

Mr. EDDY. Mr. Adams is a brother-in-law of the former assistant commissioner, Mr. Abbott. On the occasion of his visit to the agency in the fall of 1911 I asked him if he could name a financial clerk. He stated that a brother-in-law, Mr. Adams, he thought, would serve, but that he was a man of out-door experience and that, though he had been a merchant, he believed that he desired eventually to get out-of-door employment. He had had experience in the lumber business. On his recommendation I was pleased to recommend that Mr. Adams come to us.

The CHAIRMAN. Was he in the service?

Mr. EDDY. He was not.

The CHAIRMAN. How did he get into the service?

Mr. EDDY. That is a non-civil-service appointment.

The CHAIRMAN. Financial clerk?

Mr. EDDY. Financial clerk.

Senator LANE. Have you a financial clerk there now?

Mr. EDDY. Yes, sir.

The CHAIRMAN. What was afterwards done with Mr. Adams?

Mr. EDDY. Mr. Adams was later appointed forest guard.

The CHAIRMAN. Was he paid a per diem?

Mr. EDDY. He was paid a per diem of \$2 a day.

The CHAIRMAN. Were the other forest guards paid that?

Mr. EDDY. They were not.

The CHAIRMAN. Why was he paid a per diem when the others were not?

Mr. EDDY. At the time of the appointment of Mr. Adams there was present upon the reservation a supervising forester and, at the same time, two representatives of the Bureau of Entomology, who were investigating the depredations of the mountain-pine beetle. It was considered that the forest value of \$900,000 was jeopardized.

Mr. Dunston stated we should have a man whose particular business it would be to cooperate with the Bureau of Entomology in suppressing this infestation. Mr. Adams having had this lumber experience, he was consulted, and it was determined among us that he would be the proper man. I recommended that he be appointed at a salary that had been previously authorized without any knowledge upon my part for a forest assistant at \$1,500, with travel expenses. I recommended that Mr. Adams be appointed, having the concurrence of the supervising forester, and he was appointed. Advice came to us by wire asking if it would serve as well to have a forest guard appointed at \$1,000 and a per diem of \$2 a day. As the matter originated with the Indian Office and the office was aware of all the circumstances, I stated that it would be proper, and he was duly appointed by the office to fill that position upon that understanding.

The CHAIRMAN. You say he had a field man, and had had some experience in the lumber business? How long did he serve as financial clerk?

Mr. EDDY. About four months.

The CHAIRMAN. Why was he transferred from that position to the position of forest guard?

Mr. EDDY. Because of the desire upon the part of the Forestry Division to have upon the reservation a man to cooperate with the Bureau of Entomology.

The CHAIRMAN. What was the character of his services as financial clerk? Were they satisfactory?

Mr. EDDY. He served fairly well, but I recognized he would make a better outside man than inside man.

The CHAIRMAN. Why?

Mr. EDDY. There is so much detail and regulation in the Indian Service that I find a man from the outside is not as well adapted to that as a man that is trained.

The CHAIRMAN. You knew that when you recommended that he be employed?

Mr. EDDY. Not altogether.

The CHAIRMAN. You knew that he was an outdoor man and had had experience as financial clerk?

Mr. EDDY. Not as financial clerk; but I knew he had been in the banking business and in the mercantile business, according to his brother-in-law.

The CHAIRMAN. What did he do as forest guard?

Mr. EDDY. He cooperated with the Bureau of Entomology in suppressing this infestation.

The CHAIRMAN. Well, what did he do?

Mr. EDDY. He traveled about the range, inspecting the work of the men who were peeling some 10,000 trees—one of the measures that is adopted by the bureau in this control work—and he assisted in the arrangement of the lumber piles, we having had a contract to saw up some 5,000 feet of lumber. Mr. Adams supervised the burning of

the slabs at the mill—one of the provisions of this control work, that the insects in the slabs might be burned.

The CHAIRMAN. How long did he continue in that service, in the suppression of the insects?

Mr. EDDY. Throughout his time.

The CHAIRMAN. How long?

Mr. EDDY. From March, I believe, until the 1st of February following.

Senator LANE. I would like to ask you there, what is the supervision that is necessary to take care of a pile of burning slabs?

Mr. EDDY. Why, the slabs, of course, were thrown off this runway close to the mill. That is, of course, a dangerous proposition at best, at any time, close to a mill, and fire protection is afforded by supervision.

Senator LANE. Was that all? Just fire protection, to keep the mill from catching fire?

Mr. EDDY. Not exclusively; but to see, of course, that they were all burned, and that the slabs were run into the pile and not taken out and put upon other piles of slabs that might come from trees that might not be infested.

Senator LANE. Did you separate them?

Mr. EDDY. They were separated, of course.

Senator LANE. What did you do with those that were not infested?

Mr. EDDY. They were burned, more or less, or carted off.

Senator LANE. They were all burned?

Mr. EDDY. No.

Senator LANE. What did you do with those that were not burned?

Mr. EDDY. Some carted to the agency for wood.

Senator LANE. Were you ever around sawmills much?

Mr. EDDY. Not much. We have had three there.

Senator LANE. You have seen slab piles burning?

Mr. EDDY. Yes; but not in any great western way.

Senator LANE. It does not take much supervision to keep track of a pile of slabs, does it? They do not have a superintendent for it?

Mr. EDDY. Of course, that was an incident of his work.

Senator LANE. That was rather a queer kind of job.

Mr. EDDY. That is as I understand it.

The CHAIRMAN. Do the forest guards all live there at the agency?

Mr. EDDY. Yes.

The CHAIRMAN. What part of the time do they spend in the field, and what area of land do they watch over?

Mr. EDDY. The forest guards, while they have been there, have been employed as helpers at the mills, being paid additional. They have also assisted in such work as assisting the Indians in their farming, etc.

The CHAIRMAN. As a matter of fact then, they do not stay out in the forest and run the lines and look after the forest?

Mr. EDDY. We have so many line riders that do the same sort of work.

The CHAIRMAN. How many of them have you?

Mr. EDDY. About eight.

The CHAIRMAN. Why do you call these men forest guards?

Mr. EDDY. That is the designation, of course, that employees paid from that have been run under.

The CHAIRMAN. Do you understand that throughout the service forest guards perform similar services to those which are performed by forest guards at your agency?

Mr. EDDY. I do not know the general practice, Senator.

The CHAIRMAN. Has it been true ever since you have been at that agency that they worked about the mill there?

Mr. EDDY. They have had general service—performed general service.

The CHAIRMAN. Ever since you have been there?

Mr. EDDY. Yes, sir; including, of course, particularly mill service whenever there was mill service to perform.

The CHAIRMAN. Did you ever know of a forest guard other than Mr. Adams receiving a per diem?

Mr. EDDY. I did not.

The CHAIRMAN. He was afterwards transferred to Shoshone, Wash.?

Mr. EDDY. To Shoshone, Wash.

The CHAIRMAN. Do you know why that was?

Mr. EDDY. There were no school facilities at Lame Deer, and Mr. Adams had three children of school age. The work in the timber was through at Lame Deer, the control work on this insect infestation was through, and it was not desirable to hold him longer there.

Senator LANE. Are you free of that beetle now?

Mr. EDDY. Yes, sir; that was a very successful campaign. Dr. Hopkins says it was the most successful of any experiment he has known in the country.

The CHAIRMAN. Now, it appears from the records that you were absent during the period from April 1, 1912, to September 30, 1913; about 242 days absent from the reservation—being 20 days at Crow, 32 days at the training school at Busby, and 190 days otherwise absent.

How did it happen you were gone so much?

Mr. EDDY. Might I refer to a record I have here?

The CHAIRMAN. Yes; if you can not state it from memory.

Mr. EDDY. I can not [producing memoranda].

For the fiscal year 1913, or beginning with the first quarter, from August 23 to August 25, purchasing stallions for Indians in Sheridan, Wyo., under authority 85168, 1912.

From July 6, 1912, to 19th, consulting with and escorting liquor officer to Sheridan, Wyo.—

Senator LANE. How many stallions did you purchase?

Mr. EDDY. On that occasion, in the contracts had with Mr. Selway, copies of which are here, I have purchased at different times different numbers. I do not just recall how many.

Senator LANE. Did you open bids for them?

Mr. EDDY. No; in that case this was a private arrangement whereby a wealthy stockman going out of the horse business was willing, under the terms of the contract, to afford the Indians the opportunity of getting the studs. Perhaps you would like to read that peculiar contract [referring to memoranda.]

Consulting with and escorting liquor officer to Sheridan, Wyo., authority 85186, 1912.

August 30 to September 5, accompanying cattle shipment to market at Chicago. I might state I have made it an invariable rule to

accompany the cattle to Chicago. There are so many brands it is highly desirable that each individual brand be clearly designated so that the Indians will get their money. Authority 81036, 1912.

August 20 to 21, consulting with the Assistant Commissioner at Crow Agency, authority 85168, 1912. That was a visit that the commissioner made to Crow Agency.

August 28 and 29, consulting relative to said transaction on behalf of the Northern Cheyenne Indians. Authority 85168, 1912.

September 20 to 22, to arrange for the printing of the programs for the Northern Cheyenne Industrial Fair. Authority 85168, 1912.

Representative CARTER. How long was that?

Mr. EDDY. Two days. Sheridan is 80 miles away.

Representative CARTER. How did you go up there?

Mr. EDDY. By automobile. The Government car, you know. I might state that on the occasion of every visit I have made away from the agency on a purpose like that I have made it my business to acquaint myself with the possibilities of purchasing stock. We are so far inland that it is only by getting out and mixing with the local interests that we are able to do business in a large way for those Indians [referring to memoranda].

October 4 to November 1. October trip to Pumpkin Creek to select mares, and trips to Miles City and Butte in connection with insane Indians in the Warm Springs Asylum. Authority 85168, 1912.

November 23 to December 19, conferring with the Acting Commissioner in the interests of the Northern Cheyennes, and a conference with Dr. George Bird Grinnell at New York, concerning legislation affecting the Northern Cheyenne Indians. Authority 124409 and authority 9553, 1913.

Representative CARTER. How long was that?

Mr. EDDY. From November 23 to December 19.

Representative CARTER. Twenty-six days?

Mr. EDDY. Twenty-six days.

The CHAIRMAN. Did you go to Omaha and to Lincoln during any of those absences from the reservation?

Mr. EDDY. On the occasion of my return to the reservation.

The CHAIRMAN. Were you making any of these trips in the interest of any candidate for Commissioner of Indian Affairs?

Mr. EDDY. Not at all, sir.

The CHAIRMAN. Did you take any active interest in working up a sentiment for any candidate for commissioner?

Mr. EDDY. In a small way, I had hoped to receive recognition on personal account—a small candidacy for the position of assistant commissioner.

The CHAIRMAN. Was that the object of some of your visits, to promote your own candidacy for assistant commissioner?

Mr. EDDY. In no way. The file of indorsements lodged with the Secretary, I think, consists of six letters from private individuals.

The CHAIRMAN. I asked you if during the occasion of this absence of 223 days—

Mr. EDDY. For a year and a half.

The CHAIRMAN. Two hundred and forty-two days—the period which I indicated a while ago—during that time were you advocating any candidate for commissioner?

Mr. EDDY. Not as a special object of any trip.

The CHAIRMAN. Were you advocating a candidate for commissioner? I did not ask anything about a special object; I asked you if you were on those trips advocating a candidate for commissioner.

Mr. EDDY. I was favorable to the retention of the then acting commissioner.

The CHAIRMAN. I did not ask you whom you were favorable to; I asked you if you were advocating a candidate.

The charge has been made that a part of your absence from your reservation for this long period was occasioned by the fact that the Assistant Commissioner of Indian Affairs had called you to Washington, and sent or permitted you to go to divers places, including New York, Omaha, and Lincoln, with the implied understanding that while you were there transacting other business, perhaps, you were attempting also to work up a sentiment for him.

While you were in New York seeing Dr. Grinnell did you discuss with him, or did the question arise of the propriety of Mr. Abbott being appointed Commissioner of Indian Affairs?

Mr. EDDY. It is probable that I did, Senator.

The CHAIRMAN. How long did you remain in New York?

Mr. EDDY. I think the record will show possibly three days.

The CHAIRMAN. You were gone from your reservation 26 days on that trip. How did it happen that a man in New York—Dr. Grinnell—was so important in legislation or affairs relating to the Northern Cheyenne Indians? What did he have to do with the Northern Cheyenne Indians?

Mr. EDDY. Dr. Grinnell has been a constant worker in behalf of the Northern Cheyenne Indians for 23 years. He has appeared here consistently at his own expense, advocating legislation in behalf of these Indians for 16 years.

The CHAIRMAN. What legislation were you discussing?

Mr. EDDY. At that time legislation particularly affecting a reimbursable item of \$100,000 for the purchase of cattle, and also affecting a \$48,000 item that had been in the bill for two years, and, moreover, to take up with him a plan we had been discussing for many years to raise 4 per cent philanthropic capital in New York in the event Congress did not see fit to make appropriation.

The CHAIRMAN. Had he been directly connected with the administration of the affairs of these Indians at any time?

Mr. EDDY. He has served as commissioner. I think, for several Presidents—

The CHAIRMAN. On the board of commissioners?

Mr. EDDY. No, sir; as private commissioner at times on several important commissions affecting the Indians in your State, Mr. Burke, and the Blackfeet—

The CHAIRMAN. I do not know what you mean as private commissioner.

Mr. EDDY. He has been designated to do private work for President Cleveland, for instance, in the settlement of matters of dispute on some of the reservations. He has been called into consultation by Mr. Roosevelt, as I understand it, for some purpose.

The CHAIRMAN. And you went to New York to talk to him about a reimbursable appropriation Congress should make to buy stock for these Indians?

Mr. EDDY. Not only this time, Senator, but four years ago also under Mr. Leupp's administration or Mr. Valentine's.

The CHAIRMAN. You made another trip, then?

Mr. EDDY. Yes, sir; that entered into my accounts in the same way.

The CHAIRMAN. How many visits did you make to Omaha and to Lincoln during this period I have mentioned?

Mr. EDDY. One, as I recall, coming and going on the occasion of my visit to and from Washington.

The CHAIRMAN. Did you discuss the appointment of a commissioner or assistant commissioner on those trips?

Mr. EDDY. I believe I did, sir.

The CHAIRMAN. Did you on your other trips that you made during that period, or at or near the time a commissioner was to be appointed, discuss the matter wherever you went?

Mr. EDDY. I did discuss it, as a matter of interest, but not as a matter of particular interest.

The CHAIRMAN. You were in the civil service?

Mr. EDDY. Yes, sir.

The CHAIRMAN. Did you have authority from Assistant Commissioner Abbott to present his claims for appointment as commissioner?

Mr. EDDY. No, sir. All acts were upon my own initiative, Senator.

The CHAIRMAN. Did you inform him that you were doing that?

Mr. EDDY. He was aware of it.

The CHAIRMAN. Did you communicate it to him by letter, or telegram, or communicate with him regarding the matter while you were engaged in it?

Mr. EDDY. I may have done it—not by telegram; possibly as an incident of correspondence.

The CHAIRMAN. What do you mean by "as an incident of correspondence"?

Mr. EDDY. Why, I would advert to that as one item of interest in correspondence, possibly, Senator.

The CHAIRMAN. While you were seeking the promotion of Mr. Abbott he was also seeking your promotion, was he not?

Mr. EDDY. No, sir: absolutely not.

The CHAIRMAN. Did you know that he had sought to advance you to the position of supervisor of the work of superintendents in the reservations of the Northwest?

Mr. EDDY. I knew that Mr. Leupp had in mind to appoint me an inspector, and knew that Mr. Valentine had in mind to appoint me a supervisor, and knew that Mr. Abbott had in mind to appoint me.

The CHAIRMAN. Do you know how it happened that, if all these commissioners had it in mind, they did not do it?

Mr. EDDY. I think it was because—

The CHAIRMAN. Did you know that May 24, 1913, Mr. Abbott entered a memorandum in connection with your name: "A valuable man to supervise the work of superintendents in the reservations of the Northwest"?

Mr. EDDY. I did not know anything about that as a memorandum.

The CHAIRMAN. Did you expect promotion in the event he became commissioner?

Mr. EDDY. I hoped for it in any event.

The CHAIRMAN. What position were you seeking? I believe you said you were seeking the appointment as assistant commissioner, but not seriously.

Mr. EDDY. Seriously, but not aggressively.

The CHAIRMAN. Who has the selection of the assistant commissioner? The commissioner himself, has he not?

Mr. EDDY. No, sir; the Secretary of the Interior.

The CHAIRMAN. But, as a matter of fact, it is done at the suggestion of the commissioner, is it not?

Mr. EDDY. Really, I do not know.

Representative BURKE. He is appointed by the President.

The CHAIRMAN. But I presume the suggestion is made by the commissioner.

Mr. EDDY. I stated I would be glad to be a right-hand man to the commissioner.

The CHAIRMAN. If Mr. Abbott had been appointed commissioner, you hoped to be assistant commissioner?

Mr. EDDY. Not in that way. If anybody were appointed I would be very happy to serve as assistant commissioner.

The CHAIRMAN. You wanted to be assistant commissioner anyway? You stated you did not think it would promote your chances to be assistant commissioner if Mr. Abbott were appointed commissioner?

Mr. EDDY. I do not believe it would have seriously affected my chances—or, rather, materially affected my chances.

I think, perhaps, if it is proper to state it, since the charge of political activity is adverted to, that I have no political status. I have never voted. I lived in the District of Columbia here for eight years after becoming of age, and then on Federal territory, and have never in anyway affiliated by party.

The CHAIRMAN. When was that blanket authority given you to expend the proceeds of the individual Indians for such purposes as you deemed in the best interest of the Indians?

Mr. EDDY. That was given about three years ago, after a direct argument with Mr. Adams, the then Assistant Secretary of the Interior. He had a fast rule that would exclude such an authority as I asked; but I took it that the position of the Indians was different at Tongue River, as they are individual Indian moneys and come entirely from earnings the result of cattle sales. Taking that position, the Secretary agreed, and practically directly dictated this letter giving a different authority from the one ordinarily in force.

The CHAIRMAN. Now, that is unusual, is it not, Mr. Eddy?

Mr. EDDY. Yes, sir.

The CHAIRMAN. Did you ever know of another superintendent being given that broad discretion?

Mr. EDDY. I do not know of another one being interested to go directly to the Secretary.

The CHAIRMAN. Did you ever know of another one having it, if he was?

Mr. EDDY. I do not; no. I discussed that, however, with the Indian Office officials, and asked if it would be proper to grant that. They said they did not believe it would be. I asked then if there was objection if I would take it directly to the Secretary, and they

said no, they would be glad to get it to his attention. With those assurances I went to him.

The CHAIRMAN. Now, every ration day you pay out about \$8,000, do you not?

Mr. EDDY. We do; yes.

The CHAIRMAN. How are your checks made payable?

Mr. EDDY. To the Indians.

The CHAIRMAN. In all instances?

Mr. EDDY. In practically all instances.

The CHAIRMAN. Are you in the habit of signing check books in advance, and leaving the rest to the clerks?

Mr. EDDY. I have done that to some extent.

The CHAIRMAN. But, as matter of fact, did you not always sign two check books in advance and leave them to the clerks to fill out?

Mr. EDDY. The practice has been on issue days, the days the Indians come in for rations, to sign the approval line on the checks so that the clerks may be free to send out the checks.

The CHAIRMAN. You sign those checks in advance, and then the bills are brought in afterwards, and the bill is O. K'd by the clerks?

Mr. EDDY. I do not understand what you mean by the bills, Senator.

The CHAIRMAN. The bills which you pay for the Indians. The bills which you pay under this broad authority here in making purchases for the Indians.

Mr. EDDY. We pay very few bills. I do not know of a dozen cases of bills being paid.

The CHAIRMAN. Do not the Indians bring in all kinds of bills from the stores?

Mr. EDDY. I do not know of a dozen being brought in in two years.

Senator LANE. Would you know whether they were or not?

Mr. EDDY. I believe I would, Senator. There would be a few brought in at times from a local trader, but so few as to appear negligible. The idea in giving the Indians a liberal allowance is that they may be free to go and spend it at will.

The CHAIRMAN. I believe you have been asked about the stock on the reservation and the manner of handling that?

Mr. EDDY. Yes, Senator.

The CHAIRMAN. How many checks are you in the habit of signing in blank, and who is authorized to fill out those checks?

Mr. EDDY. Both clerks; Mr. Cassidy handles the individual Indian moneys and Mr. Green the regular agency receipt roll. I have made it a practice to sign no checks in advance, practically speaking, for Mr. Green on salary and agency account, but Mr. Cassidy, who is an experienced clerk and who has especially requested that I sign these checks for him, and whom I have confidence in—I have, to facilitate his work, signed a number of checks for him. I think that is a common practice.

Senator LANE. How much are those for, usually?

Mr. EDDY. Twenty-five or fifty dollars.

Senator LANE. Is that stated "not over \$25" before you sign it?

Mr. EDDY. You see, the Indian actually signs the check. The signing that the Senator refers to is a countersignature. The Indian himself draws his own check against his account.

The CHAIRMAN. You countersign a check in advance?

Mr. EDDY. I have; a few.

The CHAIRMAN. And the Indian comes in in your absence and signs it and gets his money? How in the world can you know in advance what account that check is filled out for in advance?

Mr. EDDY. I would not know in advance.

The CHAIRMAN. So if the clerk and the Indian should conclude to fill it out for any sum within the amount which the Indian had, it would be paid and you would have no check on it except the stub?

Mr. EDDY. That has been the case. Fortunately it has resulted in no loss to the Indians.

The CHAIRMAN. You would not know whether the Indian himself had signed the check, would you? The object of the regulations requiring you to countersign the check is to validate the Indian's signature and the purpose for which it is drawn. Now, if you countersign in advance and leave it to some one else, how can you safeguard the right of the Indian and keep some one else from signing the Indian's name?

Mr. EDDY. Of course, the thing we depend upon is the clerk whom the civil service sends to us, and we have depended upon him in the past, as I say, with no loss to the Indians in any case.

The CHAIRMAN. How do you know?

Mr. EDDY. None have ever been reported.

The CHAIRMAN. You would know if they were reported, but you would not know unless they were?

Mr. EDDY. I never knew an Indian that ever lost a cent who did not make it a matter of continued agitation.

The CHAIRMAN. If he knew it. How many farmers have you?

Mr. EDDY. Five.

The CHAIRMAN. And two forest guards?

Mr. EDDY. Two forest guards.

The CHAIRMAN. What do those farmers do? Have you been over that?

Representative BURKE. Yes; Senator Lane went over it quite fully.

The CHAIRMAN. Has the department criticized your expenditures there?

Mr. EDDY. Somewhat, Senator. But in what particular way do you mean? Generally, do you mean?

The CHAIRMAN. For making expenditures without authority, for instance.

Mr. EDDY. We have sometimes made unauthorized expenditures where we were assured of having funds to our credit that would not revert to the Treasury and remain there.

The CHAIRMAN. What is the idea in doing that?

Mr. EDDY. That has been an exigency to facilitate work.

The CHAIRMAN. How would that arise?

Mr. EDDY. It would arise, for instance, in orders we got in one case to expend \$300 for stock-protection work, incident to a belief that permittees were driving cattle off the reservation. In order to make that supervision effective we found we would need more, and we hired it.

The CHAIRMAN. Your automobile there was destroyed by fire last year?

Mr. EDDY. Yes, Senator.

The CHAIRMAN. How did that occur?

Mr. EDDY. We had an Indian who had become very unruly—I should say dangerous—and a number of the employees were with me in consultation, and we decided it would be advisable to go down and consult with the county attorney that night as to ways and means of handling this Indian. I asked the chauffeur to prepare the car, which he went to do—that is, the laborer there—and while we were in consultation at the doctor's office the car caught fire, as he stated, from a lantern some 8 or 10 feet outside of the building; the theory being, as it was developed by an inspector, that the gasoline, being heavy and low, floated out to the lantern and burned up the car.

The CHAIRMAN. Did you keep the gasoline there with the car, and in that building?

Mr. EDDY. The gasoline, Senator, was in a building about 8 feet from the car. We took the Indian to jail the next day, in another car, and he served for a number of months.

The CHAIRMAN. Do you know how the employees at the agency and the Indians on the reservation regard your capacity as superintendent? Do you know how they feel toward you?

Mr. EDDY. I know that every delegation of Indians that has been here for the last 8 years has seen fit to speak approvingly.

The CHAIRMAN. I did not ask anything about delegations that were sent here by the reservation. I asked about the Indians on the reservation, and the employees.

I will just state for your information that delegations who have come to Washington from the reservations most always represent, as you must know, the views of the agency. What I am anxious to know is whether you are informed of the fact that there has been general complaint by the Indians that you are incapable as superintendent?

Mr. EDDY. Of course, I am not aware of that. I have always felt that the response the Indians have given to efforts that we have undertaken in their behalf has been so hearty as to assure me they must have confidence in my management.

The CHAIRMAN. Take, for instance, the case of those five farmers. Are their services satisfactory to you in promoting farming among the Indians?

Mr. EDDY. There is, of course, now a new agricultural activity upon the reservation.

The CHAIRMAN. Since when?

Mr. EDDY. This spring. Of course, last year there was a very marked advance over previous years.

The CHAIRMAN. What was the total value of crops, last year, produced on the reservation?

Mr. EDDY. Perhaps \$20,000.

The CHAIRMAN. How does that compare with the amount produced the year before you went there, if you know?

Mr. EDDY. There was practically nothing produced the year before I went there.

The CHAIRMAN. There was no farming at all?

Mr. EDDY. Practically no farming at all. It was generally supposed that no farming could be done in that country. It was not until three years ago that it was ever assumed that farming could be done in that country.

The CHAIRMAN. Three thousand acres in cultivation on that reservation, five expert farmers in charge—

Mr. EDDY. Two expert farmers.

The CHAIRMAN. Five farmers; you designate 2 of them as experts, and the other three as nonexperts—five farmers on the 3,000 acres, produced \$20,000 worth of crops last year, according to your estimate?

Mr. EDDY. I should judge.

The CHAIRMAN. That is an average of a little over \$6 an acre.

Mr. EDDY. These people, of course, have been stock-growing people, and have made their success in stock.

The CHAIRMAN. By the way, is that good farming land?

Mr. EDDY. We believe it is, Senator.

The CHAIRMAN. Don't you know whether it is? You have been there seven and a half years.

Mr. EDDY. It is.

The CHAIRMAN. When did you discover that it was good farming land?

Mr. EDDY. I think I discovered it the first year.

The CHAIRMAN. Why did you say a moment ago that you now believe it is?

Mr. EDDY. I believe it is, and I stated further that it is.

The CHAIRMAN. Good farming land ought to produce more than six and a third dollars an acre.

Mr. EDDY. It would, of course, if whites were doing the farming, but where backward, non-English speaking Indians are concerned they are making a remarkable comparative showing.

The CHAIRMAN. How many line riders did you say?

Mr. EDDY. Eight.

The CHAIRMAN. What do you pay them?

Mr. EDDY. They are paid \$720 per annum.

The CHAIRMAN. What do they do?

Mr. EDDY. They ride the lines and act as far as may be as forest patrols. They join in the round-ups, keep the fence up, and act as general stockmen under the superintendence of Mr. Ferris there, the stockman on the reservation.

The CHAIRMAN. What was the total increase of stock on the reservation, if you know?

Mr. EDDY. I think we brandéd 1,500 calves. We probably had as many colts. We would have had many more had not the worst winter in 40 years preceded three winters ago, which did considerable **damage among the she stock on the reservation.**

The CHAIRMAN. Did the stock on the reservation increase more year before last than last year?

Mr. EDDY. It did.

The CHAIRMAN. What was the increase for that year?

Mr. EDDY. Just before the big winter freeze we had 2,300 calves. Then, as I say, the worst winter in 40 years came and struck in hard on the calves and the she stock, very materially putting us back. Outside of the reservation that year in many herds 50 or 60 per cent were lost, and in some up to 90 per cent, so it is obvious that with all that shock that herd will have to start again to maintain its aforesaid ratio of progress.

The CHAIRMAN. Have you explained the facilities provided on the reservation for caring for stock in severe winter?

Mr. EDDY. Yes, sir.

The CHAIRMAN. What would you say was the increase in value of the stock on the reservation last year?

Mr. EDDY. We sold \$48,000 worth last year.

The CHAIRMAN. Of course, that was not all increase?

Mr. EDDY. It would probably be \$15 on 6,000 head—\$80,000 or \$90,000.

Representative BURKE. I would like to ask a few questions. How old are you, Mr. Eddy?

Mr. EDDY. Thirty-eight, Mr. Burke.

Representative BURKE. Where were you educated?

Mr. EDDY. In the Boston grammar and high schools, and at the Massachusetts Agricultural College at Amherst.

Representative BURKE. Under what circumstances and when did you enter the Indian Service?

Mr. EDDY. I had been employed here in Washington as landscape gardener at the Zoological Park for eight years. I was associated with Robert Lincoln O'Brien, the editor of the Boston Herald, and I lived with him here. He was a partner of the former commissioner, Mr. Leupp, I believe, in the newspaper business, and at the instance of Mr. Leupp, as I have the information, I was brought to his attention by Mr. O'Brien and transferred from the Smithsonian Institution.

Representative BURKE. Were you then in the classified service?

Mr. EDDY. I was in the classified service.

Representative BURKE. In what capacity did you begin your service in the Indian Bureau?

Mr. EDDY. As clerk here in the Washington office for about four months.

Representative BURKE. What was your next employment?

Mr. EDDY. I went then to assist in the opening of bids at St. Louis, about two months. Then I went to the southwest with the general supervisor of the reservations, and surveyed with him and traveled with him about the reservations of the southwest.

Representative BURKE. Then what did you do?

Mr. EDDY. I spent five months as clerk at the Uintah Agency in Utah.

Representative BURKE. Then what?

Mr. EDDY. Clerk at Tongue River for six months, and the past seven and a half years as agent.

Representative BURKE. Who made you superintendent?

Mr. EDDY. Mr. Leupp, at \$720.

Representative BURKE. What salary do you now receive?

Mr. EDDY. \$1,900. I have had six promotions, I believe, in that time.

Representative BURKE. When did you come to Washington on this occasion?

Mr. EDDY. On this occasion, over two weeks ago.

Representative BURKE. Under what circumstances did you come here?

Mr. EDDY. Peremptory wire to come immediately to Washington.

Representative BURKE. From whom?

Mr. EDDY. From the present Commissioner of Indian Affairs.

Representative BURKE. Were you informed upon your arrival here what you were brought here for?

Mr. EDDY. No; I was not informed. But Monday morning Mr. Linnen, the inspector, took me to one side, and he held a preliminary examination, taking up—

Representative BURKE. An examination of what kind?

Mr. EDDY. There were certain charges, in which, by implication, I was involved, affecting the assistant commissioner, Mr. Abbott. They were first brought to my attention by Mr. Linnen, and a number of anonymous letters that charged me with this, that, and the other—

Representative BURKE. What were you charged with?

Mr. EDDY. A rather indefinite line of inquiry, Mr. Burke; among other things, telling the Indians that they could kill white men's cattle on the reservation, but they must not kill Indian cattle, and with incompetency.

Representative BURKE. In what form were those charges preferred?

Mr. EDDY. They were not preferred. They were merely questions asked me. Mr. Linnen would state, You are charged with this, that, and the other, and I would answer the charge.

Representative BURKE. You said something about favoring Mr. Abbott for commissioner, I believe. What capacity was he acting in at the time you refer to? What position did he hold in the Indian Office at that time?

Mr. EDDY. He was assistant commissioner.

Representative BURKE. When was this?

Mr. EDDY. In February of 1913.

Representative BURKE. That was last year?

Mr. EDDY. Last year.

Representative BURKE. I believe you have stated that he did not solicit you to interest yourself in his behalf?

Mr. EDDY. No, sir.

Representative BURKE. Did any other aspirant in connection with the Indian Office solicit your support in any way?

Mr. EDDY. Well, there were quite a number of candidates, Mr. Burke. Why, the then law officer, the present Assistant Commissioner of Indian Affairs, invited me to join in behalf of his candidacy.

Representative BURKE. For what?

Mr. EDDY. For commissioner.

Representative BURKE. In what way?

Mr. EDDY. Why, to get busy with the superintendents whom I knew, and to go to Senators, who were specified by name, and to generally take an active part in the business of making him Commissioner of Indian Affairs.

Representative BURKE. Who was that person, by name?

Mr. EDDY. Mr. Meritt.

Representative BURKE. The present assistant commissioner?

Mr. EDDY. The present assistant commissioner.

Representative BURKE. In what way did the matter come up between you and Mr. Meritt that he asked you to interest yourself in his candidacy?

Mr. EDDY. Why, on the occasion of a visit to Mohonk, where I was invited to make a short address—in which I made open advocacy of the stocking of the reservation and the use of reimbursable funds—Mr. Meritt asked me what my politics were, and I stated, as I have stated here, that I was without political attachment; and he stated that he planned to run, and invited my cooperation. I was pleased to accord him the friendly interest that I have and had for him.

Representative BURKE. It did not occur to you that there was anything especially reprehensible in some man in the Indian Office having the ambition to become commissioner, did it?

Mr. EDDY. It seemed to me perfectly proper that everybody should endeavor to advance himself as he best could.

Representative BURKE. I judge from what you have stated here that you thought that sometime you yourself might hold a position in the Indian Office of more importance than you now hold?

Mr. EDDY. I had that hope.

Representative BURKE. During your administration as superintendent at the Tongue River Agency have you occasionally had from time to time visits from inspectors and supervisors from the Indian Office?

Mr. EDDY. Very numerous.

Representative BURKE. Have you ever had any serious complaints made against your administration, or have you been required to respond to charges at any time during that period?

Mr. EDDY. Never. As I understand, the comments of visitors have been complimentary. I have never been called upon to answer charges, except in the case where one Indian had stated that he had not got all that was coming to him in a certain lumber transaction, but the record in the case in response to those charges showed that the transaction was as it should be. But I have never had any charges originate from this end.

Representative BURKE. Have you any knowledge of any charges pending at the present time that have not been directly brought to your notice?

Mr. EDDY. I was advised by wire the other day that a group of the employees, taking advantage of the difficulties that have beset us, were cooperating to make things unhappy for us, and are filing charges which will be here very shortly.

I may say that just prior to leaving the reservation I talked with all of these several employees, telling them what to do, and I was unaware they had signed a round robin—some four—against my interest. When I got here I found that such a circular had come into the Indian Office, not through open channels but indirectly, and now, simply because I am here and they are there, these other charges are coming. They will be here in a few days.

Representative BURKE. When were you supposed to return?

Mr. EDDY. At the pleasure of the committee.

Representative BURKE. You believe that there are charges going to be brought to the attention of this commission?

Mr. EDDY. Yes, sir; but I do not know.

Representative BURKE. I say, have you any reason to believe that there are?

Mr. EDDY. I have no reason to believe there are, unless what is presented here to-night would be——

The CHAIRMAN. I will state that the commission was informed that Mr. Eddy was in town, and at the suggestion of Senator Lane the meeting was called.

Representative CARTER. What makes you think there are charges?

Mr. EDDY. I got a wire from the chief clerk, and I have discussed the matter with Mr. Linnen, and he advised me that he had sent a wire to the chief clerk asking him to have certain testimony sent here.

Representative CARTER. Who advised you?

Mr. EDDY. Mr. Linnen, through the commissioner, I take it.

Representative CARTER. What was this wire you say you got from the chief clerk?

Mr. EDDY. He sent me a wire that was a copy of the wire he said he sent to the Indian Office, we will say, 15 days ago, in which wire——

Representative CARTER. Have you that message there?

Mr. EDDY. I may have.

(The witness here examined certain papers before him, but did not produce the message referred to.)

Representative BURKE. Now, I want to ask one or two questions. The chairman has suggested that you are charged with having been active and having traveled about the country promoting the interests of a man who did aspire to be Commissioner of Indian Affairs. Now, have you been confronted with a charge of that kind?

Mr. EDDY. No, sir; other than Mr. Linnen—you might perhaps call that a confrontal.

Representative BURKE. Mr. Linnen informed you that there had been that charge made against you?

Mr. EDDY. Yes, sir.

Representative BURKE. And he, perhaps, interrogated you with reference to the circumstances?

Mr. EDDY. The implications.

The CHAIRMAN. You stated that Mr. Meritt also asked your assistance to help make him commissioner. Did he write you about it?

Mr. EDDY. Yes, sir.

The CHAIRMAN. Have you a copy of the letter?

Mr. EDDY. Yes, sir.

The CHAIRMAN. Have you a copy of the letters you wrote to and received from Mr. Abbott concerning the same matter?

Mr. EDDY. I have not.

The CHAIRMAN. Where are they?

Mr. EDDY. They were not.

The CHAIRMAN. They were not? You stated awhile ago that you did discuss it in some letters as an incident to the correspondence. I remember distinctly that statement. Where are those letters?

Mr. EDDY. I may have some.

The CHAIRMAN. You have just stated "they were not." What do you mean by that?

Mr. EDDY. My impression from your question was——

The CHAIRMAN. You have no right to take an impression other than the question asked. I asked you first where were the letters you had received from Mr. Abbott, and you stated "they were not."

Then I reminded you of the fact that you had previously stated that, as an incident of some of your correspondence, you had discussed the matter in some of your letters to Mr. Abbott. Now, I again ask you, if you know, where are those letters that you discussed the matter of his candidacy in?

Mr. EDDY. I am not sure that I hold any such letters. I have none with me.

The CHAIRMAN. You are not sure that you hold them? What have you done with them? That is what I am trying to find out.

Mr. EDDY. Why, Senator, I would do with them precisely what I would do with many letters; I would burn them.

The CHAIRMAN. How did you happen to burn Mr. Abbott's letters and keep Mr. Meritt's letters?

Mr. EDDY. Just a mere accident. I do not know that I have Mr. Meritt's letter with me.

The CHAIRMAN. You said a while ago you had.

Mr. EDDY. It is in Washington; it is here.

The CHAIRMAN. How do you know the Abbott letters are not in Washington?

Mr. EDDY. I do know it is not.

The CHAIRMAN. You do know they were not burned?

Mr. EDDY. I do know it is not in Washington.

The CHAIRMAN. How do you know that?

Mr. EDDY. I did not bring them.

The CHAIRMAN. Do you know where they are?

Mr. EDDY. I do not know. I admitted frankly, don't you know, that letters bearing upon that proposition had come to me.

The CHAIRMAN. Yes; that is what I understood, and then I did not understand what you meant when you said "they were not."

Mr. EDDY. I meant I did not have specific letters making the candidacy a special point, Senator, as was the case in this letter which I do happen to hold.

Representative BURKE. Did he not state formerly that adverted to Mr. Abbott's candidacy in letters he wrote to Mr. Abbott?

The CHAIRMAN. He did.

Representative BURKE. Now, do I understand you had letters from Mr. Abbott soliciting your support?

Mr. EDDY. I had letters that touched upon the candidacy—the condition of the candidacy—not special letters, but letters that might mention that in connection with other personal matters. I had a close personal association with Mr. Abbott.

Representative BURKE. Did you ever have any letters from Mr. Abbott in which he specifically asked you to perform any act promoting the interests of his candidacy?

Mr. EDDY. I believe I did.

The CHAIRMAN. What did you do with those letters?

Mr. EDDY. I may have them; I may have burned them.

Representative CARTER. Why did you burn them?

Mr. EDDY. I attached no special importance to them, Mr. Carter.

Representative CARTER. How was it you attached enough importance to one man's letter about his candidacy to save that and not enough importance to another man's letter about his candidacy to save that, when the other man, you admit, you were friendly to?

Mr. EDDY. The point is this, you see: These charges that by implication involve my name were published in January, and as the charges were made by a person who had no knowledge on his own part—

Representative CARTER. Who made them?

Mr. EDDY. Mr. Johnson, I believe.

Representative CARTER. Who is Mr. Johnson?

Mr. EDDY. Mr. Johnson was formerly special liquor officer in the Indian Bureau, and it occurred to me that somebody must be furnishing him with information, since he had never been to my agency and would know nothing about forest guards or house building or any other activity upon my part, because I had been directly threatened that if I did not get busy in behalf of the candidacy of Mr. Meritt I would be hamstrung when he was in a position to do business. I did sail through my files to see if there was anything there that would in any way show that the activities I was making on behalf of one man were of like sort as those I was asked to make on behalf of another.

The CHAIRMAN. Who was it made that threat?

Mr. EDDY. Mr. Meritt stopped me on the street here one day. He said, "Eddy, you're in wrong; you're with a loser. I would like to see you get right."

The CHAIRMAN. When was that?

Mr. EDDY. During the time I was here in Washington.

The CHAIRMAN. I know; but when?

Mr. EDDY. Last year.

The CHAIRMAN. About when last year?

Mr. EDDY. We will say in February of last year.

The CHAIRMAN. We will not say it unless it was.

Mr. EDDY. It was.

The CHAIRMAN. It was in February? How many times were you here last year?

Mr. EDDY. Twice that I recall.

The CHAIRMAN. When did you burn the Abbott letters?

Mr. EDDY. At various times when I was cleaning my files.

The CHAIRMAN. Can you give us the dates?

Mr. EDDY. I really can not, Senator. I imagined that I burned many of them upon receipt. I do not mean by "many" that many of them contained matter affecting his candidacy, but I did have a running correspondence with Mr. Abbott upon matters affecting the Indian Service.

Senator LANE. Would you burn those that pertained to the Indian Service?

Mr. EDDY. They were personal letters; they were not official.

Senator LANE. Letters that came to you by frank?

Mr. EDDY. By stamp.

Senator LANE. And you replied to them with a stamp?

Mr. EDDY. By stamp.

The CHAIRMAN. Did they relate to your duties on your work?

Mr. EDDY. They were friendly exchanges between friends.

The CHAIRMAN. You were carrying on a social correspondence?

Mr. EDDY. A social correspondence.

The CHAIRMAN. You did not destroy any of the correspondence that related to anything you were doing or engaged in?

Mr. EDDY. None of the official correspondence.

The CHAIRMAN. What do you mean by "official correspondence"?

Mr. EDDY. Regular official correspondence, coming to me under frank.

The CHAIRMAN. You think that a letter that is not franked is not official correspondence if it relates to matters affecting your public duties?

Mr. EDDY. I have taken the position that letters that were sent to me personally by officials were not official letters.

The CHAIRMAN. How many personal letters did you receive from Mr. Abbott during the time he was candidate for commissioner?

Mr. EDDY. During the time Mr. Abbott was in office I may have received 50 personal letters from him.

The CHAIRMAN. You destroyed all of them, did you?

Mr. EDDY. I destroyed many of them.

The CHAIRMAN. Why did you not destroy them all?

Mr. EDDY. No reason for not destroying them all.

The CHAIRMAN. What reason was there for destroying any?

Mr. EDDY. No reason for destroying any.

The CHAIRMAN. You said in answer to a question by Mr. Burke that the inspectors had been in the habit of visiting your agency frequently. How often have they come there?

Mr. EDDY. There have been inspectors every year. Of course it is a remote point.

The CHAIRMAN. Once a year?

Mr. EDDY. Last year seven times.

The CHAIRMAN. What inspectors were there last year?

Mr. EDDY. Mr. Kneale, Mr. Jenkins, Mr. Goodall, Mr. Reed, Mr. Hanna, Mrs. Newton, Mr. Young, Mr. Rosenkrans—I think that is eight.

The CHAIRMAN. What did they do; how long did they stay; and what service did they perform?

Mr. EDDY. Why, Mr. Jenkins was there perhaps a month, Senator; Mr. Kneale, a month; Mr. Goodall, a month; Mr. Reed, a week; Mrs. Newton, three or four days; Mr. Young, over night; Mr. Rosenkrans, about a week.

The CHAIRMAN. Where did they stay while they were there? Whom did they stop with? You?

Mr. EDDY. I think that Mrs. Newton stopped at the house. Mr. Charles was also there.

The CHAIRMAN. Where did the other supervisors stop?

Mr. EDDY. Mr. Kneale stopped at the hotel. Mr. Young at the hotel, Mr. Goodall on the round-up, Mr. Rosenkrans at the hotel—if I recall—I am not quite sure. I do not know that I was there, perhaps, for a couple of days.

The CHAIRMAN. Do you know a young man by the name of Logan that is employed there?

Mr. EDDY. Yes, sir.

The CHAIRMAN. What capacity is he employed in?

Mr. EDDY. He was supervisor of ditches on the Tongue River irrigation project.

The CHAIRMAN. Was he also appointed a receiver for a cattle company?

Mr. EDDY. Yes, sir.

The CHAIRMAN. During the time he was serving as superintendent of this irrigation project?

Mr. EDDY. Yes, sir.

The CHAIRMAN. Was that upon your recommendation?

Mr. EDDY. No, sir; upon a direct presentation of the facts and a request that the department determine whether or not it was proper to have him stop. I, of course, was very glad that they had him stay. There was a valuable irrigation project built on land that melts like sugar. Mr. Logan had been with the construction since its inception, and he was the most skilled irrigator in that country. The receivership was supposed to be of a temporary nature and with the express understanding that he was to have no connection other than administrative, and that it would require none of his time in connection with the receivership, and the department permitted him to hold both places.

The CHAIRMAN. How could he perform the functions of a receiver if it would not require any of his time?

Mr. EDDY. The cattle, of course, were ranging for the greater part of the receivership, or for all the time I imagined originally that the receivership would hold, but it did hold longer than I anticipated, because of the difficulties between these partners.

The CHAIRMAN. You recommended to the department that he be permitted to hold both places?

Mr. EDDY. I did not; I merely made a showing of facts and asked the department to determine.

The CHAIRMAN. Did we get all this conversation between you and Mr. Meritt on the street at the time he said "You're in wrong"?

Mr. EDDY. I told Mr. Meritt that it seemed to me that loyalty demanded that I stay with the man who was running the ship until the ship went down. And Mr. Meritt himself realized later that his position was wrong, and just before I left for the West he came to the hotel and threw his arm around my shoulder, and he said, "Eddy, it was wrong for me to do what I did. I should never have accused you of being in a deal with Wanamaker. It is all right to stand for your friends. Now, shake hands, old man, and go back." And I shook hands on that proposition and went back.

The CHAIRMAN. There has been no feeling between you since?

Mr. EDDY. Nothing but the best of feeling on my part.

The CHAIRMAN. Now, at this time, 1913, there was a pretty bitter strife in the Indian Office between Mr. Abbott, the then assistant commissioner, and Mr. Meritt, who was the law clerk, was there not?

Mr. EDDY. There was strife, and I was invited by Mr. Meritt to go in and rectify that strife. He says, "Eddy, you're a friend of us both. I wish you would endeavor to make good feeling." And, as I have always done, I endeavored to make an adjustment there between them. When there were charges to be preferred to the Secretary, as I overheard in the office of the commissioner, on my own initiative I stepped in to say, "Don't do it; it does not look right."

The CHAIRMAN. They were both aspiring to the same position at the same time?

Mr. EDDY. Yes, sir.

Senator LANE. Were they? Was not Mr. Abbott desiring to become commissioner?

Representative BURKE. No.

Representative CARTER. What charges were to be preferred?

Mr. EDDY. That was preferred against Mr. Meritt, as I overheard in the office of the assistant commissioner. Of course, I had no knowledge of the truth of these charges that Mr. Meritt had for six weeks or more exclusively used a stenographer in behalf of his candidacy, writing letters to superintendents everywhere, and to Senators and Representatives, and employees of the Government; and when that was brought to my attention, in view of the fact that Mr. Meritt had a splendid record for overwork and everybody knew he was industrious, and because I presume everybody does that sort of thing in a pinch like that, I said it did not seem to me it was quite right.

Representative CARTER. Who was preferring the charges?

Mr. EDDY. The stenographer, I understand, brought the charges to the attention of Mr. Abbott.

Representative CARTER. Who was the stenographer?

Mr. EDDY. Miss Warner.

Representative CARTER. Who was preferring the charges?

Mr. EDDY. Mr. Abbott, as I understand. Let me make this clear. As I was in the office I understood the commissioner to say to Mr. Holcombe that this was a serious situation, that this stenographer had come and told him that she was greatly worried, that as a Government employee her time was being used in personal service for Mr. Meritt.

Representative CARTER. Who was commissioner then?

Mr. EDDY. Mr. Abbott—assistant. And the proposition appealed to me as a wrong one for Mr. Abbott to take up, and I told him so. I do not think those charges ever went to the Secretary. That is exactly the relation I have had with every man in the service since I have been in it. I have tried to play fair.

The CHAIRMAN. Do you know whether or not the charges were sent to the Secretary?

Mr. EDDY. I do not know. I think they were not. They were not at the time I left Washington, of which I have any information.

Representative CARTER. You spoke of a trip to New York, Lincoln, and other places. How long were you on that trip—26 days?

Mr. EDDY. Not that trip. I did not explain. In going West, to the reservation, I stopped off at Omaha on that trip—

Representative CARTER. What I want to know is how many days were spent on that trip. Twenty-six days?

Mr. EDDY. That was the total time.

Representative CARTER. Where did you go when you left the reservation?

Mr. EDDY. I think possibly I stopped in Lincoln overnight to see Mr. Selway.

Representative CARTER. Don't you know?

Mr. EDDY. I have the record.

Representative CARTER. Who is Mr. Selway?

Mr. EDDY. He is the man I have \$30,000 worth of contracts with.

Representative CARTER. What kind of contracts?

Mr. EDDY. Contracts to purchase horses and mares for Indians.

Representative CARTER. Where did you go next?

Mr. EDDY. Directly here, stopping, I believe, at Omaha or Chicago en route.

Representative CARTER. What did you stop at Omaha for?

Mr. EDDY. To see the superintendent of the Omaha warehouse, and also the superintendent of the Chicago warehouse, with whom we had business.

Representative CARTER. What did you want to see them about?

Mr. EDDY. To consult as to the status of the business we were doing.

Representative CARTER. Then, from Omaha you went to New York?

Mr. EDDY. No; then I came here.

Representative CARTER. What did you do here?

Mr. EDDY. I was here to present, for Mr. Abbott, to the Members of Congress argument, if you please, on behalf of reimbursable appropriations, on our own account and for the Indians of the country. We had made a success with the reimbursable appropriations that has been remarked upon by this office as the most remarkable success with those funds.

Representative CARTER. Where did you go when you left here?

Mr. EDDY. Then I went directly home, stopping at Omaha overnight.

Representative CARTER. And then you went to New York?

Mr. EDDY. I did. Then I came back here.

Representative CARTER. Where did you go when you first came here?

Mr. EDDY. I either remained here or went to New York directly.

Representative CARTER. I thought you said you 'id go to New York.

Mr. EDDY. I did on the occasion of a visit, but I do not know whether it was immediately on coming here or some time during my stay.

Representative CARTER. You left Washington and went to New York to discuss Indian legislation?

Mr. EDDY. I have letters here from Mr. Grinnell to prove it.

Representative CARTER. What had Mr. Grinnell to do with legislation?

Mr. EDDY. He has had a great deal to do with Indian legislation, in presenting arguments to members of the committees handling Indian legislation for many years.

Representative CARTER. Has he done so very often in the last 10 years?

Mr. EDDY. I do not know how often. He has, I believe, done a good deal of business with Mr. Burke for many years.

Representative CARTER. What did you expect Mr. Grinnell to do in the way of getting legislation?

Mr. EDDY. Why, to write letters to Mr. Carter and to Mr. Burke—

Representative CARTER. Was it your opinion that the Indian Office was not capable of getting the legislation that was necessary and presenting the matter strong enough to Congress, and that an outsider, like Mr. Grinnell, had to be called in to persuade Congressmen to do their duty?

Mr. EDDY. I think the point is that he would merely be an interested and an intelligent adviser. He would not hope to influence legislation except as he showed the need of it and the good of it.

Representative CARTER. What was the result of your conference with Mr. Grinnell? Did he agree to help you and write letters to Congressmen about legislation?

Mr. EDDY. I am not sure, but he came down shortly after. He has made several visits here in behalf of the Indians in recent years.

Representative CARTER. I am not passing upon your motives, or attempting to impugn your conduct, even if you were working for Mr. Abbott; but the thing I can not understand is how it is you should leave Washington, where legislation is being done, and go to New York.

Mr. EDDY. I had done all I could here, and wished to interest somebody else to do all they could, too.

Representative CARTER. Then you did think the Indian Office was incapable of getting legislation for the protection of the Indians at that time?

Mr. EDDY. I know that the Commissioner of Indian Affairs had no assistant at that time, and he saw fit to use me to assist in presenting arguments on those two points.

Representative CARTER. You wanted Mr. Grinnell to bring his influence to bear on Congressmen to get the legislation that was necessary?

Mr. EDDY. I do not think anything like that. I wish you knew Mr. Grinnell.

Representative CARTER. I know who he is very well. I have read several of his books.

Mr. EDDY. Would you like me to read a letter or two—

Representative CARTER. The point I am trying to get at is what he knew about legislation?

Mr. EDDY. He probably had been influential in getting all the cattle these Indians ever got by coming down here and hammering the needs of the Indians upon Congress.

Senator LANE. Did he have anything to do with the cattle that are going on the reserve?

Mr. EDDY. He has never had anything to do with that. He is writing a history of the Northern Cheyenne Indians, and has been busy on it for 23 years.

Representative CARTER. While you were with Mr. Grinnell you discussed only your duties?

Mr. EDDY. I admitted here that—

Representative CARTER. You said you may have done it?

Mr. EDDY. I do not recall, really. Mr. Grinnell has a different type of mind than we ordinarily meet with—interested in this public service in this way. I regarded him so differently.

Representative CARTER. Was this the customary manner then of the Indian Bureau getting legislation through Congress?

Mr. EDDY. Oh, I think not.

Representative CARTER. That was out of the ordinary then?

Mr. EDDY. It was out of the ordinary for an agent to interest himself in the way I have interested myself, so far as I am able to observe.

Representative CARTER. At whose suggestion did you call on Mr. Grinnell?

Mr. EDDY. At my own initiative, and as I stated, four years ago, for other legislation, I also went to New York to consult Mr. Grinnell.

Representative CARTER. It was not an exceptional case then? It was a customary case?

Mr. EDDY. It was a thing I had done before, before I ever knew of Mr. Abbott.

The CHAIRMAN. I asked you a while ago about the case of Mr. Logan. I believe he was removed from the service for some transaction in connection with that receivership?

Mr. EDDY. Yes. Unfortunately, against my advice, he tendered money to one Harvey Wilcott and in the course of inquiry at Forsythe I found he had accepted such money. I immediately brought it to the attention of the department, and Mr. Wilcott was suspended—they were both permitted to resign.

The CHAIRMAN. What did he give him money for?

Mr. EDDY. This man Wilcott was our stock inspector. At the time of this receivership at Tongue River they were removing the cattle from the reservation, and Wilcott, an expert range man, was solicited by one of these partners to look after their interests while he was looking after ours. I stated to Wilcott when he put the proposition to me that it would be wholly impracticable that he could be engaged, but we could do it by an arrangement whereby we could make for the Government so much per head in handling the cattle of this dissolving firm. But he saw fit to accept the tender of money from the receiver, wholly unknown to me, and when it was brought to my attention it was then brought to the attention of the department.

The CHAIRMAN. Why was it proper for Logan to be in the employ of both, and not for Wilcott?

Mr. EDDY. As I have stated, Mr. Logan had nothing but an administrative connection with the receivership.

The CHAIRMAN. You have just shown that he had, and that his conduct made it necessary for him and another employee to be removed.

Mr. EDDY. Was not that administrative?

The CHAIRMAN. Perhaps it was administrative, but you have just shown that his connection with it made it necessary for him to be removed from the service, as was also another employee.

I asked you a while ago if you did not recommend that Logan be permitted to take that employment, and you said you did not?

Mr. EDDY. I feel that I did not. Without the record before me—

The CHAIRMAN. I will ask you if, in a letter of July 18, 1912, you did not say, referring to the character of the services he was to perform:

In view of the foregoing circumstances, inasmuch as there seems to be no reason why Mr. Logan should not have the benefit of the compensation that comes to him as receiver, I recommend that authority be granted for his continuance as supervisor of ditches until the end of the shipping season, when probably the business of the company he serves will be settled and no longer require the services of a receiver.

Mr. EDDY. That is my language. It was my impression, of course, when I answered that question to Mr. Linnen, without any records before me and without any records to be answered, that I had not made any recommendation.

The CHAIRMAN. Whom did you talk with about coming before the commission? Who was it suggested your name to Senator Lane? Do you know?

Mr. EDDY. Mr. Bentley.

Senator LANE. Did you know that he was going to do so?

Mr. EDDY. I knew this: I had talked with Mr. Bentley at the hotel, and I knew that Mr. Bentley had a great interest in Indian affairs, that he was impressed, as he stated, by the showing we have made on the Tongue River Reservation; and he stated to me that "that is a showing that should be presented to the committee, and I would be very much interested to see it get before the committee"—absolutely at his own initiative.

Senator LANE. And then you knew that he came to me and suggested the same idea?

Mr. EDDY. I had that in mind; yes, sir.

Mr. BENTLEY. Mr. Chairman, will you permit me to offer a word?

The CHAIRMAN. I do not care anything about that.

(Thereupon, at 11.10 o'clock p. m., the joint commission stood adjourned to meet Wednesday, May 27, 1914, at 7.30 o'clock p. m.)

The following letters, etc., were submitted by Mr. John R. Eddy:

TONGUE RIVER AGENCY,
Lame Decr. Mont., November 4, 1908.

Subject: Grazing matters.

HON. COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: Referring to land 44410-1908, October 29, 1908, I have to advise that during the early fall, while on a visit here, Mr. George Bird Grinnell, who has much influence with these Indians, and who is interested in their economic condition, went with me to the home of Mr. Joseph T. Brown, one of the permittees now grazing cattle on this reservation, for the purpose of discussing grazing matters. Mr. Brown is the gentleman who agreed to put on 10,000 head of cattle at \$1.50 per head per year, providing the Indians would give their consent to the arrangement. After a full discussion of the matter Mr. Brown agreed to extend his present pasture if agreeable to the Indians and to the Government, so as to allow him to put on about 3,000 head, for which he would pay \$2 per year per head. I was much gratified at the generous disposition of Mr. Brown, and felt confident that arrangements could be made for getting an unreserved consent from the Indians. Mr. Grinnell made full notes and intended advising the commissioner personally of the status of the matter. Mr. Brown was, perhaps, the only man in the country who at the time we discussed matters with him would be willing to put on any considerable numbers of cattle here. The settlers, while admitting that the Indians are killing practically no cattle without the bounds of the reservation, are slow to believe that their cattle would be unmolested if put on the reservation. I regret exceedingly that since Mr. Grinnell's visit Mr. Brown has died. I recently discussed grazing matters with Mrs. Brown, who is administering Mr. Brown's estate, and I am inclined to think that she will let the matter of increasing the size of the leased pasture on the reservation rest for a while. It is probable, however, that Mrs. Brown with Mr. Brewster will request permission to hold the present leased pasture for another year. Mr. Brown's death is a severe blow to the plans that we were forming with a view to having all of the range utilized. Though interest will be maintained to try to have others bring cattle on this range, I do not think that we will find anyone who will go as far in the matter as Mr. Brown was disposed to go.

Having in mind that the Cheyennes have netted about \$30,000 in sales of increase from the 1,000 head purchased for issue to them five years ago, and that there is at least \$75,000 worth of stock on the range developed from the purchase of 1,000 head made five years ago, including original stock and increase, I deem it an altogether reasonable move to request that the department consider the proposition of requesting of the Congress an appropriation of \$100,000 to be devoted to the purchase of approximately 3,000 head of cows

with calves by their sides for the northern Cheyennes, with the proviso that the Government be fully reimbursed for the expenditure involved from the initial sales of increases from said stock. In this connection I invite attention to Voucher No. 20 of the cash account for the first quarter 1908, which shows that these Indians received about \$12,000 net from the sale of 180 head of 3 and 4 year old steers (increase of the issue herd of 1,000 head purchased five years ago). It will be seen from the unusually heavy weights of the animals accounted for on said voucher that this is unquestionably the best possible range for beef steers.

It seems hardly likely that the Congress could be persuaded to make a large appropriation as that cited as a gratuity, and our experience here justifies the belief that the increase from the herd of 3,000, the purchase of which is proposed, would allow for full reimbursement to the Government at the end of six or seven years. There would then remain on hand, providing no unusual winters interfered or fatal epidemic disease occurred in the herd, a very large number of animals for distribution among the heads of families. In order to make the policing of the reservation effective during the time the cattle were being held by the Government, a deputy United States marshal should be here to have general oversight of the police and of the range and the cattle. Our reservation is completely fenced. The winter protection is perfect. It is pronounced as the best range for cattle in Montana. To make the proposed plan effective, I would gladly consent to remain to give it free play. In case the purchase was arranged for, and it should develop that our plans for the protection of the cattle did not prove effective against the lessening tendency of the Indians to kill cattle, then the animals could be sold and the proceeds deposited in the Treasury with a comparatively small loss to the Government, when it is considered what a substantial benefit would result both to the Government and the Indians, should the proposition work out as it seems reasonable to expect it might. If the above plan finds any favor with the office, I would be glad to go into it further, as I have thought much about it and personally regard it as feasible.

Very respectfully,

J. R. EDDY,
Supt. and S. D. A.

TONGUE RIVER AGENCY,
Lamedeer, Mont., August 20, 1912.

Mr. W. A. JONES,
Mineral Point, Wis.

MY DEAR MR. JONES: I am happy to have the kindly expressions contained in your letter of July 27. It would have pleased all of us greatly had your plans permitted a number of days with our round-up outfit.

We anticipate a large gather of prime beeves for shipment early in September and at the astounding prices now being paid for beef cattle can not fail of returning to the Cheyennes a goodly sales account.

The Cheyennes have refrained steadfastly from cattle killing in the last six years that their herd is now worth \$350,000, and they have already netted from it \$125,000, and all from an initial investment of \$60,000. These results have stimulated us to hope that we may in their interest form a stock company that will undertake to stock the range to its reasonable limit, with the understanding that 4 per cent only shall be paid, and the balance of returns after paying interest and other charges go to reimbursing stockholders their investments, so that when our helpers are fully paid out the residue of the herd shall be distributed among the Indians of the reservation.

Mr. Grinnell, conservative always, as you know, believes that this thing can be made to go, and I shall undertake to float the proposition this fall. The department is favorable. The herd to be purchased will be branded in the stock company brand and will remain with the company as security for the fulfillment of our purposes.

This sort of thing for a tribe like the Cheyenne is well worth while. These sturdy people, the best Indians in the Northwest, according to Gen. Miles, have since subjection been a very poorly equipped tribe economically.

I trust that in another season you may feel able to visit the Cheyennes, for they would be glad to meet the commissioner who first realized the need for furnishing them with breeding cattle.

With kind regards, I remain, sincerely, yours,

J. R. EDDY.

AGREEMENT—CONTRACT SALE.

TONGUE RIVER AGENCY,
Lamedeer, Mont., August 24, 1912.

This agreement evidences that R. R. Selway, of Sheridan, Wyo., and J. R. Eddy, superintendent and supervising distributing agent of the Tongue River Agency, Lamedeer, Mont., for and on behalf of the undersigned Black Wolf, a member of the Northern Cheyenne Tribe of Indians of said agency, hereby contract and agree as follows:

Said R. R. Selway agrees to deliver to the said Black Wolf, Indian, through the superintendent, on September 15, 1912, at _____, Mont., or such other point as shall be designated by the superintendent, one draft-bred stallion, described as follows:

Color, brown-bay; age, 3 years; estimated weight at maturity, 1,300 pounds; and branded thus \square on right jaw.

Which stallion is to be run by said Black Wolf with 20 or more mares now owned by him; and it is agreed that within 10 days after receiving the above-described stallion said Black Wolf shall castrate all studs now running with the mares owned by him; and that all stud colts foaled from mares owned by him during the period covered by this contract agreement shall be castrated within two years after foal.

It is agreed that no mares owned by the said Black Wolf shall be sold by him within the period covered by this contract except with the consent of the superintendent, and the proceeds from the sale of such mares as may be sold shall be applied in payment of the cost price of the above-described stallion, which is hereinafter specified.

It is agreed by R. R. Selway that the above-described stallion shall be delivered to J. R. Eddy, superintendent, on behalf of said Black Wolf at a consideration of \$350, with interest at 10 per cent per annum, which consideration, with interest, shall be due and payable September 1, 1915; but any portion of said consideration may be paid in cash at any time prior to said date, and interest shall cease on the amount paid; and R. R. Selway agrees to receive cash, or horses, as hereinafter specified, in lieu of cash, in settlement of such portion of the above-specified consideration, with interest, as may be due September 1, 1917, viz: All mares or gelding not less than 36 months old on September 1, 1917, as in the judgment of R. R. Selway shall have been sired by the above-described stallion, to be selected by R. R. Selway at a value of \$70 per head, and such horses as R. R. Selway, or his agent, shall judge not to have been sired by the said stallion, if offered by said Black Wolf to apply in payment of said consideration shall be received by R. R. Selway at the market price of said horses, the market price to be determined by R. R. Selway, or his agent, and J. R. Eddy, superintendent, on behalf of Black Wolf, or by three disinterested appraisers, one chosen by R. R. Selway, or his agent, one by the superintendent, and the third by the persons chosen, and their decision shall be final and binding as to the market value of the horses in question.

It is agreed by the said Black Wolf that all mares and geldings offered in satisfaction of the consideration and accrued interest will be tied up with five-eighth-inch rope halter and not a hard twisted lariat and tamed for one day during the summer that they are 1 year old, and that they will be delivered to R. R. Selway on or about September 1, 1917, in good condition or fat, solid colors, free of blemishes and tamed to the extent that they will not be "man shy."

It is agreed that all horses received in payment of the consideration and interest named in this agreement by R. R. Selway shall be delivered to him on or about _____, at _____; and it is agreed that the above-described stallion shall remain the property of R. R. Selway until fully paid for as hereinbefore set forth, and in the event payment has not been made in full of the consideration and interest named herein by Black Wolf, J. R. Eddy, superintendent, on behalf of said Black Wolf, hereby agrees to turn over to said R. R. Selway a sufficient

number of horses, the property of said Black Wolf, at their market value, as shall be required to complete satisfaction of this obligation in full, including interest at 10 per cent per annum from date until paid.

Signed in good faith, but no financial obligation is assured by reason of this agreement by the superintendent or the United States Government.

R. R. SELWAY,

J. R. EDDY,

*Superintendent Tongue River Agency, Mont., for
and on behalf of the Undersigned, Black Wolf.*

BLACK WOLF (his thumb mark).

Witnesses:

MILTON WHITMAN,
Lame Deer, Mont.

E. H. HALE,
Lame Deer, Mont.

I, Milton Whitman, hereby certify that I have truly interpreted the foregoing instrument to Black Wolf and that he has agreed to and fully understands the intents and purposes of the same.

MILTON WHITMAN, *Interpreter.*

NOVEMBER 6, 1911.

Gen. NELSON A. MILES,

Lieutenant General United States Army, Washington, D. C.

MY DEAR GEN. MILES: I feel greatly indebted to you for your letter of November 4, in which you express interest to support the proposition which may take the form of a request for new legislation in the interest of a development of the cattle business of the northern Cheyennes.

The record that the Cheyennes have made in the past six years as cattle raisers is an astonishing and commendable one, and is sufficient basis, it would seem, to urge in their interest legislation that will secure for them advances to be used in the purchase of more cattle, so that the business may be at once put on a very productive foundation.

It is a pleasure to me to read the tribute that you offer the tribe. Their splendid courage makes all people interested to become their champions.

Thanking you for the kindly consideration you have given the Indian delegation and this highly valued letter which was written in their interest, I remain,

Very truly, yours,

(Signed) J. R. EDDY,

Superintendent Tongue River Indian School.

WASHINGTON, D. C., November 4, 1911.

Mr. J. R. EDDY,

*Agent Northern Cheyenne Indians,
Lame Deer, Mont.*

MY DEAR MR. EDDY: I understand that a recommendation has been made that the Government advance \$50,000 out of the appropriations guaranteed to these Indians during a term of years. The importance of this measure would be that the sum thus advanced to them could be used in the purchase of cattle to stock their reservation in addition to what they now have, and the yearly increase would be of the greatest benefit to this tribe. This would be no additional cost to the Government and is a measure that I would earnestly recommend in order to promote the welfare of these people.

The Northern Cheyenne Indians are certainly entitled to most favorable consideration by the Government. They were at one time one of the strongest and most intelligent tribe of Indians on the frontier. After the severe campaigns of 1876-77 they were the first to accept the conditions of the Government and pledge themselves to maintain peace in that territory. A number of their prominent men—White Bull, Brave Wolf, and others—gave themselves as hostages for the faith of the tribe, and when they came in with the Sioux to surrender they gave up their rifles and also a large number of their war ponies. The latter were sold and the proceeds returned to them in domestic stock. Since that time they have complied with the directions of the Government and led peaceful lives. They furnished young men to act as guides and scouts and trailers, who accompanied the troops on their campaigns against the hostile tribes led by Lame Deer and Chief Joseph. They were most enter-

prising, daring, and faithful. Some of them were wounded in the different engagements. They also rendered good service while employed in building roads and other work in which they were engaged. They cultivated the ground and for several years raised very good crops at Fort Keough, Mont. I am very glad to know that the Government has reserved for them their present reservation, and I hope their people may continue in possession of it for all time. The fact that they have remained at peace for more than 30 years and under the most embarrassing circumstances have increased their domestic stock by good care and attention shows that they are worthy of encouragement, and I recommend that everything be done that can be done for their welfare.

Very truly, yours,

NELSON A. MILES,

Lieutenant General, United States Army.

TONGUE RIVER AGENCY,

Lame Deer, Mont., August 21, 1912.

DEAR MR. LEUPP: It gave me much pleasure to extend to Dr. Grinnell your compliments and now I am very sure that it will be made a point with him to advise you more frequently as to his whereabouts. He has dropped active connection with Forest and Stream and is now busying himself with writings. His Cheyenne Tales are yet in the making with no definite word from the author as to when they will be given out. I know that Dr. Grinnell would be glad to have you spend a part of one of your summer outings here and it would please us mightily, if it strikes you agreeably, to consider coming to Lame Deer while we are here. Our hill country is quite like that of the Berkshires as to conformation and is quite as beautiful as to forest cover, though our growth is coniferous rather than deciduous.

I do not know what success will follow our efforts, but backed by Dr. Grinnell and with the already secured assent of Mr. Valentine and Mr. Abbott, I plan to secure, if possible, this fall in the East \$200,000 to stock the reservation. The idea is to form a stock company to be formed of business philanthropists who will be requested to subscribe in \$10,000 allotments. The cattle purchased will become the security of the investors and be carried in a company brand until sales of increase reimburse investors, who will receive 3 or 4 per cent on their money while in use.

Secured in this way and in view of our actual results during the past six years on this range it does not seem that we should find it hard to secure the capital. In brief, to date we have the following record with Indian cattle: Ten years ago the Government invested \$30,000 for breeding heifers; five years ago you secured an additional \$30,000 for the same purpose. I have handled all proceeds from sale of increase from these heifers and have netted \$125,000, and by actual inventory this summer have tallied a herd, the result of the above investment, of \$300,000. In other words, our total investment of \$60,000 has realized for us \$425,000. It is positively amazing how profits pile up from beef cattle on such a range as this. Now, then, we lease to outsiders the privilege of running about 7,000 head and our range would stand about 10,000 head above the I. D. herd. It seems to me that our Indians, in their peculiar situation, should get the full benefit of their range as they would do if a stock company is formed and privileged to run a herd at 3 or 4 per cent until paid out. After paying out we would have a large herd in the company brand to be disposed of by pro rata issue to the heads of families on the reservation, and from this herd together with the I. D. herd the range would be fully stocked in the Indian interest and the Indians of the reserve would be practically self-supporting.

Some of the most successful stockmen of the local country, men who respond splendidly when asked to pass upon the practicability of a scheme of this sort, come forward to say that under our unique conditions the proposition is absolutely safe and sane. I trust that it will seem so to those to whom it will, in good faith, be presented.

Our conditions are ideal. The reservation is not yet even surveyed; allotment will doubtless be as much retarded here as anywhere in the country; the reservation is fenced; it is unusually well watered; it has ideal winter protection; hay can be readily grown for winter protective feeding; there are no railroads nearer than 50 miles; our Indians have been taught to refrain from cattle killing; our lessees are anxious to again lease the grazing privileges, thus showing practicability of growing foreign cattle; the market is higher than ever before in the history of the stockyards; we grow the heaviest and the best beef

brought to the Chicago markets; these Indians are worth while doing the unusual thing for.

I will be glad if you like the tenor of the plan as outlined above to have your valued support in putting forward.

I have secured in the past three years from various sources some 90 draft-bred studs for these Indians and I wish I could point out to you directly on the ground the splendid economic results from this step to improve the horse stock of Indians. The more I live in this good grass country the better I realize what great opportunities for increased wealth are lost to the Indians through lack of use of good stallions. I find that the \$15 Indian mare on the first cross with a well-selected stud can readily bring as a 4-year-old under present market conditions \$75, and many thousands of such animals can be grown on each reservation. We are noted now for good studs and in consequence the reputation advances to our Indians the price received even for their run-of-the-range stuff.

You see I am writing as though you were still in harness and, in fact, as far as goes, I am satisfied that you will never wean yourself away from constructive concern in the Indian.

I expect to take a large shipment of cattle to market in Chicago September 1 and then to return to perfect plans for the foray outlined above, which will be undertaken in November.

Mrs. Eddy joins me in best wishes.

Sincerely, yours,

Mr. FRANCIS E. LEUPP,
Tyringham, Mass.

CONTRACT AGREEMENT.

This agreement evidences that R. R. Selway, of Sheridan, Wyo., and J. R. Eddy, superintendent of the Tongue River Agency, Lame Deer, Mont., for and on behalf of the undersigned, John Redbeads, a member of the Northern Cheyenne Tribe of Indians of said agency, do hereby contract and agree as follows:

Said R. R. Selway hereby bargains, sells, and delivers to the said John Redbeads, Indian, two mares, described as follows: Color, bay (4), gray (2); weight, 1,100 pounds; age 4 and 2; branded (Y) on right jaw; for a total consideration of \$300, to be paid by the said John Redbeads within 24 months from date hereof out of any moneys received by said John Redbeads, Indian, from sale of his cattle or from any moneys earned by said Indian during the time that the above debt or any portion thereof remains unpaid to said R. R. Selway; and it is hereby mutually understood and agreed that there is to be no interest charged on this account except on such portion as may remain unpaid on November 1, 1914, which portion to draw interest at the rate of 10 per cent per annum from November 1, 1912. And said John Redbeads, Indian, and said J. R. Eddy, superintendent, for and on behalf of said John Redbeads, Indian, hereby acknowledge having received the above described animals on November 1, 1912, which is the date of this agreement. And it is hereby mutually understood and agreed that the above-described mares and their increase are to remain in the possession of said John Redbeads, Indian, and subject to the control of J. R. Eddy, superintendent, as security for the payment to R. R. Selway of the consideration herein stated. And said R. R. Selway is to be kept fully advised as to the number of increase from above mares and their brands they are branded.

And we, the undersigned, hereby accept this contract as binding and signed in good faith, but no financial obligation is assumed by reason of same by the superintendent or by the United States Government.

R. R. SELWAY.

J. R. EDDY, *Superintendent,*

For and on behalf of the undersigned—
JOHN REDBEADS (his thumb mark).

Witness:

FRANK A. NELSON.

I, Willis Rowland, a member of the Northern Cheyenne Tribe of Indians, of Lame Deer, Mont., hereby certify that I have truly interpreted the foregoing instrument to the undersigned, John Redbeads, and that he understands the intents and purposes of said instrument, and is agreed to same.

WILLIS ROWLAND, *Interpreter.*

[Personal. J. R. E.]

DECEMBER 9, 1912.

Mr. GEORGE BIRD GRINNELL,

238 East Fifteenth Street, New York City, N. Y.

DEAR MR. GRINNELL: I have your letter of December 7, and regret that engagements prevent your coming here early this week, and if it proves impracticable for you to come to Washington before Tuesday evening of next week I will at once, upon hearing from you, return to Lane Deer.

Mr. Abbott has just advised me that the House threw out of the Indian bill the \$100,000 item but allowed the Pine Ridge matter to stay in the bill. He is much disappointed that the \$100,000 was cut, and suggested that I urge upon you the advantage your presence would be before the committee at this time if it is practicable for you to join with us in seeing the committee. A great deal of cut has been made throughout the Indian bill, which goes to the Senate at once, and it is reported that the Indian bill will be the first of the large appropriation acts to be disposed of. I have received from Lane Deer a detailed report individually showing what 250 beneficiaries have received and made repayments upon. This report makes a splendid basis for appeal to the committee for further funds of the same sort, and there is much sympathy with our project right here in the office.

Aware that your custom prevents you from making use of Fridays and Saturdays, I hardly dare hope that you may feel free to come before next Tuesday evening, and I would not make this last mentioned of the matter we have in mind if it were not that any action to be had this session must be promptly given to be effective on account of the early anticipated passage of the Indian act. All of our matters are receiving good attention, and I feel well rewarded.

With best wishes to Mrs. Grinnell and yourself, I remain,

Sincerely, yours,

[Personal. J. R. E.]

DECEMBER 11, 1912.

Mr. GEORGE BIRD GRINNELL,

238 East Fifteenth Street, New York, N. Y.

DEAR MR. GRINNELL: I received your letter of the 10th this morning, and can well understand how it is difficult for you, without advance notice, to leave New York, but it is pleasing to feel that some time later you may find it convenient to visit Washington.

I will leave on Thursday or Friday evening, having done all that could be done here; very well satisfied with the results of the visit. Yesterday, at Mr. Abbott's suggestion, I took the report of use of our reimbursable fund to Mr. Mundell, of the Appropriations Committee, had an hour and a half with him, and was able to set forth our situation to him. He expressed much interest in what was being done, and seemed to look upon it as a good business proposition for the Government to allow the Indians the \$100,000,000 that we asked for, and I feel sure that if later you see him you will feel that he has a business sympathy at least with our proposition.

It seems probable that we will be able to have our grazing funds set aside for general-purpose improvements rather than for school support, a prospect which is indeed a pleasing one. It looks, too, as though we would have a freer hand hereafter in the use of our cattle moneys.

I saw Mr. Newell this morning, showed him something of the work that is being done; he is much pleased with it also, and expressed the hope that you would call on him at any time when you come to Washington.

Hale, fortunately for us always efficient, reports that the schools are full, and that conditions are generally happy. I find from the bureau here that the superior of the mission is not to be transferred, but that hereafter the business charge of the school will rest with the rector of the mission.

I will write you again just before I leave Washington, to let you know of any definite developments that happen in the next few days.

Supervisor Peairs, of the Indian schools, has shown great interest in Mr. Mintz's pictures, and will doubtless write to Mr. Mintz in a few days, with a view to securing use of his negatives for slides which will be shown throughout the service in stereopticon talks.

With best wishes to you and to Mrs. Grinnell, I remain,

Sincerely, yours,

FEBRUARY 14, 1913.

MR. GEORGE BIRD GRINNELL,
238 East Fifteenth Street, New York, N. Y.

DEAR MR. GRINNELL: I regret exceedingly that after starting out upon the pilgrimage eastward, poor old White Bull found it necessary to turn back and give place to Black Wolf, whom the tribe unanimously chose as substitute for him. We are glad, indeed, to have good Black Wolf, than whom there is no better Indian, but I had counted much upon the coming of White Bull, who is so unique among men.

Mr. Hale wired that the delegation previously named, with the above noted change, was to start last night, and I assume that they are now happily rolling this way. For some reason, Milton Little Whiteman comes along too. There is certainly no dearth of interpreters for this delegation. It would appear that each of the honored members of the delegation has a special message and a special interest to have it uttered by a special interpreter. We could hardly have a better delegation, and I am satisfied that Black Wolf will make an appeal to the commissioner that for breadth of view and sense can not be bettered. Black Wolf is really splendid in every way, and I will enjoy taking these fine fellows about. Of course, old Two Moons now rambles in his thoughts, and he is therefore hardly likely to make a very progressive display. I look for great things from Wooden Leg. If the Indians have not finery enough, would it be easy to borrow from the New York museums? I will see Dr. Hodge and Mr. Mooney here so that nothing will be passed to make the nativity of the Indians apparent.

I believe arrangements can be made for the stay of the Indians at the New Capital Hotel, at corner of Third Street and Pennsylvania Avenue.

Reports from Lame Deer indicate continuing cold weather, but no distress among Indians, and general good health among all. I suspect that tongues are wagging among the Indians left behind as to what this new call upon it for a delegation is all about, and from the fact that no wrangling ensued as to the make-up of the delegation, or with respect to the settlement of its bills, that the feeling among the members of the tribe must be good indeed.

I feel as you do as to the importance of the Pine Ridge legislation, but on account of its being merely an authority to transfer from one fund to another amounts now due the tribe it hardly seems that we will have any difficulty.

Sincerely, yours,

DEPARTMENT OF THE INTERIOR,
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, March 13, 1913.

MY DEAR GEN. ALLEN: In connection with other matters which Supt. Eddy, of the Northern Cheyenne Indian Reservation, has been called to Washington to take up is that of conferring with me upon the practicability of the plan formerly prepared for breeding cavalry horses on Indian reservations. This plan was formulated several months ago after a conference between former Commissioner Valentine, Dr. Melvin, of the Bureau of Animal Industry, and a representative of the War Department. Mr. Eddy has been successful in crossing draft stallions with Indian pony mares on the Northern Cheyenne Reservation. I shall appreciate any time that you feel able to give to Mr. Eddy in working out the details of this important proposition.

Sincerely, yours,

F. H. ABBOTT,
Acting Commissioner.

Brig. Gen. JAMES ALLEN,
Chief Signal Officer, War Department, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Washington, D. C., March 13, 1913.

MY DEAR DR. MELVIN: In connection with other matters which Supt. Eddy, of the Northern Cheyenne Indian Reservation, has been called to Washington

to take up is that of conferring with me upon the practicability of the plan prepared by you for breeding cavalry horses on Indian reservations. This plan was formulated several months ago after a conference with you by former Commissioner Valentine and a representative of the War Department. Mr. Eddy has been successful in crossing draft stallions with Indian pony mares on the Northern Cheyenne Reservation. I shall appreciate any time that you feel able to give to Mr. Eddy in working out the details of this important proposition.

Sincerely, yours,

(Signed) F. H. ABBOTT,
Acting Commissioner.

Dr. A. D. MELVIN,
Chief Bureau of Animal Industry, Washington, D. C.

NOTE.—Mr. ROMMEL: I think we should take this matter up now with Mr. Eddy, for I believe we can go ahead. I have discussed it some with him.

(Signed) A. D. MELVIN.

DEPARTMENT OF THE INTERIOR,
OFFICE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS,
Washington, March 13, 1913.

MY DEAR DR. MELVIN: In connection with other matters which Supt. Eddy, of the Northern Cheyenne Indian Reservation, has been called to Washington to take up is that of conferring with me upon the practicability of the plan prepared by you for breeding cavalry horses on Indian reservations. This plan was formulated several months ago after a conference with you by former Commissioner Valentine and a representative of the War Department. Mr. Eddy has been successful in crossing draft stallions with Indian pony mares on the Northern Cheyenne Reservation. I shall appreciate any time that you feel able to give to Mr. Eddy in working out the details of this important proposition.

Sincerely, yours,

F. H. ABBOTT, *Acting Commissioner.*

Dr. A. D. MELVIN,
Chief Bureau of Animal Industry, Washington, D. C.

Mr. ROMMEL: I think we should take this matter up now with Mr. Eddy, for I believe we can go ahead. I have discussed it some with him.

A. D. MELVIN.

NEW YORK, N. Y.

Mr. JOHN R. EDDY, *Washington, D. C.*

DEAR SIR: I wrote you that I could not go to Washington this week, but I had some hope that I might be able to go down there on Tuesday. That hope has been shattered, as I have an important meeting for Tuesday at 10.30 a. m., while Wednesday and Thursday are also taken by engagements that can not be broken.

I am very sorry that I can not be in Washington and see the Secretary while you are there, but this can not be. I am not without some hope that Congress may give our Cheyennes the \$100,000 reimbursement for which Mr. Abbott has asked. If we can not get it from Congress, then it will be necessary to try other means.

You will be interested, I think, as I am, to see that the New York Herald is apparently making strong drive for the betterment of Indian conditions. It is good that a paper of the wide circulation of the Herald should show interest in the subject. If Congress declines in this short session to give the Cheyennes the money they need, it may be necessary for you to come on again and see whether this sum can be raised through private philanthropy.

I trust that you will succeed in getting the grazing money turned back to some use better than the school. That should be supported from school funds. I feel that this grazing money ought to be put into live stock, preferably cattle.

Please write me from Washington and report such progress as seems visible. Let me know also when you are likely to leave for the West.

Yours, sincerely,

GEO. BIRD GRINNELL.

[Extract from Mohonk Conference, October, 1911.]

* * * * *

passer, but I will always be in the position of passing the saucer. [Applause.]

The CHAIRMAN. We will be further entertained by a discussion on Farming and Stock Raising among the Indians, by Supt. Eddy, of the Northern Cheyenne Reservation.

Mr. EDDY, Mr. Chairman, ladies, and gentlemen, I knew but this morning that the subject named by your chairman would be assigned me. But as stock raising and farming are interests that properly should be of vital importance on nearly all Indian reservations of the Northwest, perhaps this is as interesting a topic as could be given.

The Indian Commissioner is laying particular stress upon the need of the field men of the service stimulating the Indians to industry. As evidence of this, I may refer to a meeting of the reservation superintendents of Montana, authorized by Commissioner Valentine, held two years ago on the Crow Reservation, at which Assistant Commissioner Abbott, who previously, as regent of his State university, had oversight of the Agricultural College of Nebraska, and, therefore, naturally interested in reservation agricultural development, strongly endeavored to impress upon the assembled superintendents a sense of their great responsibility to make the best use, in the interest of the Indians, of the resources of their respective reservations.

All the Indian reservations of the Northwest should be self-supporting. With immense areas, with fertile land, and with good markets the opportunities are abundant to enable the Indians, under intelligent direction, to attain economic independence.

To illustrate these possibilities, may I speak of what the Northern Cheyennes are doing with the splendid grazing range of their reservation?

Dr. George Bird Grinnell, well known to all members of this conference, has for many years been actively interested to have the Government recognize the desirability of stocking the Northern Cheyenne Reservation with cattle, and only yesterday spoke to me of the many satisfactory exchanges had between himself and our honored chairman at the time of the Vice President's connection with the Indian Committee of the House of Representatives.

In 1903 Congress gave these Indians 1,000 head of breeding heifers and in 1907 1,000 more. The total investment for breeding stock was within \$60,000. Up to date these Indians have actually received \$125,000 from sale of the increase of these animals and they have in addition over \$250,000 worth of cattle upon the range. These satisfactory results are the more remarkable that they were achieved by the Northern Cheyennes, who have always been popularly regarded as the most voracious beef-eating Indians of the Northwest. It is a fact that these Indians have recognized, as they have annually received proceeds from the sale of their cattle, that it is to their best interest to leave their cattle alone; and this they are doing. To those who know the cattle business, when told that 2,300 calves were branded upon the reservation this year, being increase from the heifers previously mentioned as having been given them by the Government, the conclusion must be that these Indians are making a good showing in their cattle business.

On other reservations similar opportunities might be given Indians to make headway. Only two or three weeks ago, in a council held at the Crow Reservation, a respected chief rose in the presence of the assistant commissioner to say, "We want all our available receipts turned into cattle for us, that we may be enabled to enjoy prosperity here." It is just possible that the Crows, mixing as they do at times with the Cheyennes, have come to realize that the best use they can make of their reservation, which they own, is to turn it into a grazing pasture for the raising of cattle for themselves.

I believe for the encouragement of industry that it is practicable to consider the feasibility of providing noncitizen Indians everywhere with Government funds to be reimbursable, so that at appropriate seasons each year, as required, backward Indians may be permitted to purchase seeds, implements, and work stock. The Indians will soon realize the significance of such funds and will hasten to be benefited by their use. The experience had with such funds for the past few years in Montana has been satisfactory. Of course such funds have to be handled with discretion so as to insure their ultimate return to the Treasury. The idea is to have Congress appropriate a certain considerable amount which, in the discretion of the Secretary of the Interior, shall be available for a fixed term of years for the purchase of equipment destined to assist worthy Indians to reach self-support. The beneficiaries of the fund

agree to make full repayment of the advances made to them within a fixed time. I am pleased to invite the conference to consider the advisability of suggesting that the privileges of such funds be extended further, as a means of encouraging industry among Indians of the country.

Irrigation with some of the Indians is almost a new proposition; and though some of the plains Indians are not naturally farmers I am glad to state that the Northern Cheyennes, for whom the Government has recently put 800 acres of land under irrigation ditches, which has been allotted in 20-acre tracts, are making commendable use of their irrigated lands. All of the allotments have been fenced, and nearly all of the 40 allottees have built root cellars and stored them full of products for winter use. The advent of a root cellar on an Indian allotment is a most encouraging sign, indicating that the Indian farmer is giving some thought to the future.

I believe that Indians generally should be encouraged to carry on both stock raising and farming on their allotments. Caring for the stock makes it necessary for the Indian to put up forage for his stock, and as Indians are proverbially improvident, it is desirable to inculcate ideas of providence in dealing with him, and he naturally becomes provident if obliged to put up forage for the horse and cattle stock that he is interested to raise.

The holding of agricultural fairs on Indian reservations has been encouraged during the past few years by the administration, and it is believed that the same fruitful results follow to the Indian interested in these fairs as come to those of us interested to attend our customary county and State fairs. The Indian fair can be used as a means of persuading Indians inclined to leave their ranches during the cropping season to stay at home so that they may be prepared to make a good showing when the big fair festival takes place in the fall after the harvest of crops. In order that Indians may not get into the habit of going from one reservation to another to attend fairs, and thus have the fairs fail of serving their real purpose, it seems desirable that they should be held as far as practicable upon simultaneous dates. The reservation fair has demonstrated its worth as a means of arousing competitive interest among Indian farmers and stockmen, and any unprejudiced observer will be impressed that the Indian prize winner is as happy with his trophies as any successful white exhibitor at a regular county fair could possibly be. [Applause.]

(Notified that his time had expired.)

* * * * *

CROW INDIAN RESERVATION
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

JANUARY 26 AND 27, FEBRUARY 3, MARCH 17, 18, AND 31,
MAY 27, JUNE 4 AND 17, AND JULY 14, 1914

PART 15

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

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CROW AGENCY.

JANUARY 26, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The commission met in its office, room 128, Senate Office Building, at 7.30 o'clock p. m.

Present: Senators Robinson (chairman), Lane, and Townsend; Representatives Stephens and Carter.

The CHAIRMAN. The superintendent of the Crow Agency, Mr. Scott, is here this evening and will testify.

STATEMENT OF W. W. SCOTT, SUPERINTENDENT CROW INDIAN AGENCY.

(W. W. Scott, being duly sworn by the chairman, was examined and testified as follows:)

The CHAIRMAN. You are the superintendent of the Crow Agency?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. How long have you served in that capacity, Mr. Scott?

Mr. SCOTT. I took charge there in 1910—July 1.

The CHAIRMAN. When did you enter the Indian Service, Mr. Scott?

Mr. SCOTT. I entered the Indian Service first about 11 years ago.

The CHAIRMAN. In what capacity were you employed before you became the superintendent of the Crow Agency?

Mr. SCOTT. I was chief of Field Division of the General Land Office at that time.

The CHAIRMAN. What other positions have you held in the service?

Mr. SCOTT. My first work in the Indian Service was as a clerk for the Dawes Commission at Muskogee, Okla. Later on I was transferred to the Land Service as special agent for the General Land Office. I occupied that position—the position of Chief of Field Division—for the same bureau seven years. At the end of that time I was transferred to the Indian Service as superintendent at Crow Agency.

The CHAIRMAN. What is the total number of employees that you have at that agency, and what are their duties?

Mr. SCOTT. The number varies. We have eight clerks in the office, whose duties are in connection with the office work, the handling of stock, Indian moneys, etc.; the leasing and sale of Indian land, leasing of the tribal ranges, and the general care of the individual Indians.

The CHAIRMAN. Have each of those clerks special work to do, or do they do the work generally and together?

Mr. SCOTT. Each one has his specific duties.

The CHAIRMAN. Tell briefly what each one does.

Mr. SCOTT. The financial clerk—

The CHAIRMAN. What is his name?

Mr. SCOTT. O. M. Boggess, who is carried as lease clerk. At this time, however, he is taking care of the financial division of the office.

The CHAIRMAN. Just state, in this connection, what that is.

Mr. SCOTT. Keeping the books; looking after the individual Indian accounts. They have money in the bank to their individual credit. Mr. Boggess looks after that. He makes up the quarterly reports, covering all financial transactions, looks after the authorities to be secured from the office, and keeps, in short, the financial records of the office.

The CHAIRMAN. Do you have any books of accounts kept at that agency that he does not keep? If so, what are they, and who keeps them?

Mr. SCOTT. We have property accounts.

The CHAIRMAN. He does not keep the property record, then?

Mr. SCOTT. No, sir.

The CHAIRMAN. Who is your property clerk?

Mr. SCOTT. Harry Throssel.

The CHAIRMAN. How is that account kept?

Mr. SCOTT. He makes a quarterly return of all property on hand, keeps a record of all issues and all purchases, and has general oversight of the Government property charged to the agency.

The CHAIRMAN. Does he keep a record of the Government property—a ledger or just on the quarterly account?

Mr. SCOTT. He keeps the ledger account.

The CHAIRMAN. Is that required by the department, or do you know?

Mr. SCOTT. I do not know. I am inclined to think it is not.

The CHAIRMAN. How long has he been keeping that ledger account of the property?

Mr. SCOTT. I can not say, sir. The system, with some modifications, was in effect when I took charge of the agency.

The CHAIRMAN. Did you change the manner of keeping the property account when you went there?

Mr. SCOTT. Not materially; no, sir.

The CHAIRMAN. Now, in addition to the financial and the property clerk, what other clerks have you?

Mr. SCOTT. W. P. Squiers, who handles the leasing and sale of land. We have now J. B. Kitch, a special examiner of inheritance, whose duty it is to determine the heirs of deceased Indians.

The CHAIRMAN. Well, is he an employee of the office or of the Indian Bureau proper? I mean is he employed by the agency or employed by the Indian Bureau?

Mr. SCOTT. He is employed by the Indian Bureau.

The CHAIRMAN. That is what I thought.

Mr. SCOTT. It is only a position recently created.

The CHAIRMAN. Go ahead.

Mr. SCOTT. We have an assistant to the lease clerk, Mr. Shick, who is also a stenographer. We have two Indian girls, stenographers. That, I believe, constitutes the office force.

The CHAIRMAN. That completes your list of clerks. Do you require three stenographers to do the work there?

Mr. SCOTT. Those stenographers are carried as assistant clerks.

The CHAIRMAN. They do other clerical work besides stenographic work?

Mr. SCOTT. Oh, yes, sir.

The CHAIRMAN. You have eight clerks whom you have designated. What other employees have you, and what is the total number, if you know?

Mr. SCOTT. We have six farmers—men whose duty it is to supervise the farming operations of the Indians.

The CHAIRMAN. Do they all stay at the agency?

Mr. SCOTT. No.

The CHAIRMAN. Where are they located or stationed?

Mr. SCOTT. The reservation is divided into six districts, each with its farmer. One farmer only is located at the agency; the others are at different points over the reservation.

The CHAIRMAN. What is the total area of that reservation?

Mr. SCOTT. Oh, approximately two and a half million acres—the diminished reserve.

The CHAIRMAN. Have you had six farmers there ever since you became superintendent?

Mr. SCOTT. No, sir; there was a time when we had only five, one man having charge of two districts.

The CHAIRMAN. What is the total number of Indians on that reservation?

Mr. SCOTT. One thousand seven hundred, in round numbers.

The CHAIRMAN. What is the actual number of Indians on the reservation engaged in cultivating the soil—about?

Mr. SCOTT. All of the able-bodied Indians are engaged in cultivating the soil; some to a greater, some to a less extent.

The CHAIRMAN. Do you mean to say they are all actually farmers?

Mr. SCOTT. No, sir; I do not mean to say that. There are a good many of them who do not farm, but all have their allotments and all farm in so far as we can get them to do so.

The CHAIRMAN. What is the total area of cultivated land on the reservation?

Mr. SCOTT. The total area cultivated last year was about 12,000 acres; that includes the hay land.

The CHAIRMAN. What part of the land is in hay?

Mr. SCOTT. Probably half of that area.

The CHAIRMAN. There are, then, about 6,000 acres in cultivation of other crops than hay?

Mr. SCOTT. Approximately that; the cultivation of hay consists merely in irrigating it and cutting the hay.

The CHAIRMAN. Wild grass, is it?

Mr. SCOTT. Wild hay; yes.

The CHAIRMAN. And requires no cultivation whatever?

Mr. SCOTT. No.

The CHAIRMAN. Then you have one farmer to about 1,000 acres of cultivated land, each farmer supervising on the average about that number of acres?

Mr. SCOTT. That was last year.

The CHAIRMAN. Yes.

Mr. SCOTT. You understand that the area cultivated varies each year. We get each year a report; we tabulate a statement.

The CHAIRMAN. Was it less last year than for the year 1912, or greater?

Mr. SCOTT. It was about the same.

The CHAIRMAN. And what was the comparative amount cultivated for 1911?

Mr. SCOTT. The year 1911 was—I can not say exactly how much was cultivated that year.

The CHAIRMAN. Do you think it was more or less than was cultivated last year?

Mr. SCOTT. It was—all practically the same; there would not be a great difference.

The CHAIRMAN. What do you think would be the area cultivated this year, if you have any means of knowing?

Mr. SCOTT. I think the area would be less this year than any year.

The CHAIRMAN. So that with six farmers, men whose duties it is to instruct and give demonstrations on farming on that agency, the actual area of cultivated land is diminishing each year under your administration. How do you account for that?

Mr. SCOTT. No, sir; I think that is not the case.

The CHAIRMAN. Then you just said so.

Mr. SCOTT. There was a time some years ago when the Indians raised more grain than they do now. At that time they lived in villages and worked the community farms. They all worked together, and in that way you can get more work done than where each Indian is supposed to work his own allotment.

The CHAIRMAN. Well, I did not ask you anything about that. I asked you about the area of lands actually cultivated on the reservation. It is a fact that you expect a less area will be cultivated this year than any year since you have been there?

Mr. SCOTT. I think so.

The CHAIRMAN. Now, tell me just exactly what those farmers do—those six men.

Mr. SCOTT. They put in their time looking after the Indians, doing what they can to get them to farm, instructing them, keeping their machinery in order, and in addition to that they appraise land that is offered for sale.

The CHAIRMAN. What salaries are paid the farmers?

Mr. SCOTT. \$720 is the usual salary; one or two of them get \$900.

The CHAIRMAN. So, I suppose the amount actually paid them approximates \$5,000 for the six farmers—between \$4,000 and \$5,000 a year. What efforts do they make to encourage the Indians to pursue agriculture?

Mr. SCOTT. They go around to each individual Indian, urge him to work, lay out generally the land that he should cultivate, advise him as to what crops he should put them in. When I say "put them in," and how it shall be done, we have found the most effective means of handling that is to have the farmer go and measure off the amount of ground that he thinks the Indian can cultivate with his equipment. We tell the Indian to plow that much land, and in that way we have been able to get more land under cultivation than when it is merely left to the Indian himself to determine how much land.

The CHAIRMAN. How long has that been in progress?

Mr. SCOTT. Two years.

The CHAIRMAN. But you have not been able to get more cultivated than was cultivated under the community process?

Mr. SCOTT. No; we have not been able to raise more grain. I think, if you will permit me, that more land is cultivated, but it is not as well cultivated. Under the community system the farmer stayed right with them, got a number of Indians to work, and stayed right with them all day and watched the plowing. As it is now, he can not do it; he must go from one Indian to another, from one farm to another, and start the Indian in, and then leave him to his own devices.

The CHAIRMAN. What is the relation existing between the Indians generally and these farmers? What is the feeling between them?

Mr. SCOTT. In some cases it is very cordial, and in others it is not. Generally speaking, I believe, the feeling is quite cordial. I know of only one farmer who is somewhat unpopular with the Indians.

The CHAIRMAN. How do you explain the fact that the area is growing less, aside from the explanation you have already given, instead of increasing, if these six farmers are working diligently to try to induce the Indians to farm and if the Indians appreciate their services?

Mr. SCOTT. I do not admit that, on the whole, that the area is growing less; on the contrary, I think that it is growing greater; there may be an off year.

The CHAIRMAN. You said it would be less this year than it was last year, did you not?

Mr. SCOTT. Yes.

The CHAIRMAN. And you have said, in answer to my questions, a while ago, when asking especially as to the years 1911, 1912, and 1913, it was approximately the same—6,000 acres?

Mr. SCOTT. Yes.

The CHAIRMAN. Why?

Mr. SCOTT. Because certain influences have induced the Indians to drop their farm work.

The CHAIRMAN. What influences do you refer to?

Mr. SCOTT. Mrs. Grey's influence.

The CHAIRMAN. You think Mrs. Grey's influence has caused the Indians to quit farming?

Mr. SCOTT. I know it.

The CHAIRMAN. They were not farming very much before Mrs. Grey was there?

Mr. SCOTT. Very much more than they are now.

The CHAIRMAN. I do not suppose, as a matter of fact, Mr. Scott, there is any farming going on there now?

Mr. SCOTT. They have been doing absolutely nothing this fall.

The CHAIRMAN. Has there been any public work going on on the reservation?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What kind of work?

Mr. SCOTT. Irrigation work, work on the irrigation system.

The CHAIRMAN. Do you employ the Indians on that work?

Mr. SCOTT. We employ all we can get; yes, sir.

The CHAIRMAN. Is it a fact that you refused to employ Indians?

Mr. SCOTT. It is not.

The CHAIRMAN. And employed only white men?

Mr. SCOTT. On the contrary, we have used every effort to induce the Indians to work.

The CHAIRMAN. How many Indians have you employed there now?

Mr. SCOTT. I do not know the exact number. There are two or three small gangs working on a fence that is being constructed.

The CHAIRMAN. Who has control of that?

Mr. SCOTT. Mr. J. E. Jenkins.

The CHAIRMAN. Is he one of the farmers?

Mr. SCOTT. No; he is live-stock inspector.

The CHAIRMAN. Two or three small gangs?

Mr. SCOTT. Yes.

The CHAIRMAN. Do you know anything about how many are employed?

Mr. SCOTT. They employ—each gang has probably six or eight men. Then there are—when I came away, about 10 days ago, there were five or six Indians working on a dam that was being constructed at the agency.

The CHAIRMAN. Do you know how many white people are employed on the fence and on the dam?

Mr. SCOTT. There are no white people employed practically—probably three or four—on the fence, and probably 30 or 35 on the dam.

The CHAIRMAN. Well, now, of course Mrs. Grey did not have anything to do with the area of land that was cultivated for 1913, did she, because that was done before she went there?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. And with all your six farmers you did not increase the area that was cultivated in 1911 and 1912, according to your statement a while ago, which was that the best you were doing was holding your own in that particular. What did she do to stop them from working; how did she stop them?

Mr. SCOTT. I do not know what she did; I only know that after the councils that she held with the Indians they absolutely refused to work. We could not get one of them to go on the fence work.

The CHAIRMAN. How many did you have working prior to that, and who were they?

Mr. SCOTT. I do not know.

The CHAIRMAN. Who was it quit work or refused to work that had been willing to work or had been working before on account of Mrs. Grey being there?

Mr. SCOTT. I can not give the names; I do not know.

The CHAIRMAN. How did you learn that that was the reason that they had refused to work?

Mr. SCOTT. The information came to me from Mr. Jenkins and from various Indians.

The CHAIRMAN. You did not know of your own knowledge, only what was told you, I suppose, about that?

Mr. SCOTT. I do not know personally.

Senator LANE. Were you out on the line when they were building the fence?

Mr. SCOTT. Was I there?

Senator LANE. Yes.

Mr. SCOTT. Yes; I have been out there.

Senator LANE. Since or before they quit?

Mr. SCOTT. No.

Senator LANE. Neither?

Mr. SCOTT. They did not quit; we were just starting the fence at that time, and we could not get them to go to work; I know that—I am informed that Mrs. Grey brought an attorney in to consult with the Indians as to how they could prevent the fence being built. I have an affidavit to the effect that she went to one of those camps and tried to get the foreman to stop work, and I believe that affidavit states that some of the crew did stop work.

The CHAIRMAN. What fence was that, Mr. Scott?

Mr. SCOTT. What fence?

The CHAIRMAN. Yes.

Mr. SCOTT. It was a fence that is being constructed across what we call "Range No. 3."

The CHAIRMAN. What is that being built for—

Mr. SCOTT. I mean what we call the "ID Range."

The CHAIRMAN. How long is it?

Mr. SCOTT. The fence is $3\frac{1}{2}$ miles long.

The CHAIRMAN. For what purpose is it being built?

Mr. SCOTT. To segregate the land on which it is proposed to run the Indian cattle from that leased to F. M. Heinrich.

The CHAIRMAN. You are building that fence with the Indian fund, I suppose?

Mr. SCOTT. From the proceeds of the sale of Crow ceded lands.

The CHAIRMAN. Still, it belongs to the Indians?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. The Indians were then building the fence. Did they want the fence and did you consult them about it?

Mr. SCOTT. They were not consulted; no, further than—

The CHAIRMAN. The treaty under which the Government chose that reservation requires that those acts shall be approved by the Indians in their council before it shall be done, does it not?

Mr. SCOTT. A treaty of 1904 set aside the sum of \$40,000, or as much of it as might be necessary, for fencing the reservation, and my understanding is that the fence is being constructed under that authority.

The CHAIRMAN. This is not fencing the reservation; this is putting a division fence on the reservation. You would not construe an instruction to fence the reservation to be a fence simply to cut the reservation in two, would you—is that your construction?

Mr. SCOTT. I would not understand it that way, no; at the same time, I presume that building any necessary fences on the reservation might be construed as "fencing the reservation."

The CHAIRMAN. This fence is being constructed to segregate the lands that you propose to let the Indians run their cattle on from the lands that Heinrich runs his cattle on?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What caused you to decide that that was necessary? What consideration prompted the building of that fence?

Mr. SCOTT. Mr. Heinrich has under lease or permit at the present time what is known as the "ID Range." It is the lands lying between the Big Horn and the Little Big Horn River. Under his con-

tract he was to relinquish, when called upon to do so, any part of that range that might be needed by the Indians. It was determined last fall to buy a large number of cattle for the Indians. The Secretary of the Interior and the Commissioner of Indian Affairs, in pursuance of that plan, appointed a commission to go to the Crow reservation and formulate plans for carrying out that enterprise. They came there and went over the reservation thoroughly, and formulated a plan, drew up their report, which was adopted, and the building of the fence was a part of that plan.

The CHAIRMAN. Who composed that commission, if you know?

Mr. SCOTT. Col. Long, of Cleburne, Tex., an old cattle man, a man who had had experience in cattle both in Texas and in Montana; Dr. Tracy, from the Bureau of Animal Industry; John Goodale, stock supervisor at large, Indian Service; James E. Jenkins, live-stock inspector, Crow Agency; and Richard Wallace, a Crow Indian.

Senator LANE. Were the Indians called into council about it at that time, when they were there?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What is the Heinrich lease, of a definite area, or how do you determine what he is entitled to?

Mr. SCOTT. Yes—his lease is described by metes and bounds.

The CHAIRMAN. Does this fence cut off any of the land that he was entitled to in his lease?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What area?

Mr. SCOTT. Something over half of it.

The CHAIRMAN. Cut the lands that were leased to him. Why was that done?

Mr. SCOTT. Because it was thought by these gentlemen that the land cut off for the use of the Indian cattle would be ample for their use.

The CHAIRMAN. Ample for whose use?

Mr. SCOTT. For the use of the Indians.

The CHAIRMAN. I asked why, after a contract had been made with Heinrich, was his area diminished by one-half?

Mr. SCOTT. Under the terms of his contract—

The CHAIRMAN. Oh, I understand that they have the power to take as much lands as may be needed for the Indians, but did it contemplate they might take all of it if they desired to do it?

Mr. SCOTT. Yes; certainly.

The CHAIRMAN. And still collect the rent from him?

Mr. SCOTT. No.

The CHAIRMAN. Does he pay the same rent as he would if he had the whole area?

Mr. SCOTT. No, sir.

The CHAIRMAN. How do you determine what rent he pays?

Mr. SCOTT. He is to pay rental on the entire tract up to the 1st of February; after that the rental that he is to pay is to be adjusted.

The CHAIRMAN. Who is going to adjust it—who has the power to adjust it, you?

Mr. SCOTT. No, sir; that will be done by an Indian officer.

The CHAIRMAN. Did he consent, or do you know whether he consented?

Mr. SCOTT. He consented; yes; as he was obliged to do under the terms of his contract. He was quite willing to do it, I think.

The CHAIRMAN. Does he run cattle there or does he run sheep?

Mr. SCOTT. Nothing but cattle.

The CHAIRMAN. How many cattle does his contract permit him to run on that range?

Mr. SCOTT. I am unable to say from memory.

The CHAIRMAN. Well, you specify an average, do you not, under that contract?

Mr. SCOTT. He pays for an average; yes, sir.

The CHAIRMAN. I will ask you if it is a fact that sometimes he has more than three times as many cattle as the average?

Mr. SCOTT. I think not.

The CHAIRMAN. I will ask you if it is not a fact that a large part of the year the range is valueless?

Mr. SCOTT. Valueless?

The CHAIRMAN. There is no grazing there now, is there?

Mr. SCOTT. Yes.

The CHAIRMAN. Good grass there now?

Mr. SCOTT. Yes.

The CHAIRMAN. Throughout the entire year?

Mr. SCOTT. Certainly.

The CHAIRMAN. Is it a pretty cold climate?

Mr. SCOTT. May I explain?

The CHAIRMAN. Yes.

Mr. SCOTT. The grass in that country dries up—cures on the ground—and it is just as good as if cut and put in the stack.

The CHAIRMAN. So that the range is just as good one month as another?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What kind of grass is that, Mr. Scott?

Mr. SCOTT. We call it wild hay. I do not know what it is properly called. The grass on the upland ranges is much more valuable than that in the valleys.

Senator LANE. Why, Mr. Scott, do you not know what kind of grass it is?

Mr. SCOTT. It is a species of buffalo grass.

Senator LANE. It is not wild rye?

Mr. SCOTT. Oh, no, sir.

Senator LANE. Nor bunch?

Mr. SCOTT. No.

Senator LANE. Nor grama?

Mr. SCOTT. No; it is buffalo grass, I would call it.

Representative CARTER. Mesquite?

Mr. SCOTT. No.

Representative CARTER. It is not red top?

Mr. SCOTT. I would like to say that there is a part of the range that is not available during the winter on account of snow; that is up in the mountains.

The CHAIRMAN. How much of it, would you say?

Mr. SCOTT. Oh, possibly one-fourth or less.

The CHAIRMAN. Is that on the Indian side of the fence or on Heinrich's side?

Mr. SCOTT. It is on Heinrich's side of the fence.

The CHAIRMAN. He gets all of the range land that is not available in the winter?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Have Rae Bros. a lease there?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What area have they and what is their range?

Mr. SCOTT. They have what we call "Range No. 3," which is west of the Big Horn River. It is very much the same kind of country as the land reserved for the Indians on the Idea range?

The CHAIRMAN. What about the area of the other range?

Mr. SCOTT. About 400,000 acres.

The CHAIRMAN. All of these leases on Crow Reservation have the average clause in them, permitting a certain number as an average number?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. That permits the lessee to run under the average number of cattle this month and twice as many as the average next month if he wants to?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. I will ask you if under that clause it has come to your knowledge that the lessees have run four or five times as many sheep some months as the average number of sheep authorized in the lease?

Mr. SCOTT. I think not.

The CHAIRMAN. Have you ever looked into that; has it ever been called to your attention?

Mr. SCOTT. I have; yes, sir. We require affidavits of the number of head run. Then, in their own interest, they could not possibly afford to overstock the range like that. These people must have a range on which to throw all new stock that they bring in to run after shipping stock out. A lessee will ship out very closely; in fact, there is not a sheep on range No. 3 to-day, but it will shortly have filled up.

The CHAIRMAN. Yes; and he will put a great many more than the average number on there, will he not?

Mr. SCOTT. He can under his lease.

The CHAIRMAN. Yes; and he does do it. Do you not know that he does?

Mr. SCOTT. I do not know it.

The CHAIRMAN. You say the only way you find out about how many sheep or cattle are running there is the affidavits filed by the stockmen themselves?

Mr. SCOTT. No; that is not the only way. We have our stockmen; we have a superintendent of live stock, who is traveling on the range practically all the time, and among his duties is that of keeping tab of the cattle on the range and the sheep on the range. Every time that a carload of stock is brought onto the range we have a report from the lessee on whose range it goes; whenever a shipment is made, we have a record of that. The cattlemen notify us when they expect to receive or ship cattle, and we have our stock superintendent to meet that shipment, and inspect the cattle that go out; keep a record of the Indian stock that are shipped, and the new stock brought in, and cattle shipped to market belonging to the—

The CHAIRMAN. Has it ever been called to your attention by the Indians on that reservation, and is it not a fact, that great trouble

has arisen there, and serious clashes, and is there not a very bitter feeling against Heinrich and his employees because the Indians claim that he has overstocked the range at certain times by going on there and by subletting to other parties and permitting them to run many times as many cattle on there as the average number permitted by the lease?

Mr. SCOTT. I have never heard that charge against Heinrich, and from personal knowledge I am entirely satisfied that it is not true.
Mr. Heinrich—

The CHAIRMAN. All right, tell us that.

Mr. SCOTT. Mr. Heinrich raises cattle. He brings them in there and breeds them, and I have been over that range many, many times, have noticed the brands, and I know the character of cattle that he runs. I have talked with Heinrich personally, have his affidavit, and while I have not a penny's interest in Mr. Heinrich, I believe him to be an absolutely honest man. I have known him well for nearly four years and have never seen anything whatever to indicate anything to the contrary.

The CHAIRMAN. The feeling, then, between Heinrich and the Indians is good, is it?

Mr. SCOTT. No; it is not.

The CHAIRMAN. As a matter of fact, that lease to Heinrich was never approved by the Indians or consented to, was it?

Mr. SCOTT. The consent of the Indians was gained or was given to leasing the range; the terms of the lease were necessarily left to the department.

The CHAIRMAN. The Indians held a council out there and protested against Heinrich retaining that lease, did they not?

Mr. SCOTT. Not to my knowledge. Many of the Indians are bitterly opposed to Heinrich.

The CHAIRMAN. Why?

Mr. SCOTT. For various reasons. Heinrich has more Indians on his lease than there are on any of the other leases—a great many more.

Senator TOWNSEND. Indian employees?

Mr. SCOTT. No, sir; Indians themselves.

Senator LANE. It is not a very populous district, I suppose.

Mr. SCOTT. The settlements are along the two rivers—the Big Horn and the Little Big Horn Rivers. And in both instances they are on the side of the river embraced in Mr. Heinrich's lease. The Big Horn River, which bounds the lease on the west, has a precipitous bank on the west side, and consequently all the settlement is on the east side or on the Heinrich range. On the Little Big Horn River, which bounds the lease on the east, the reverse is the fact. The high bank is on the east side of the river and the settlements are on the west side. Consequently that range embraces a very large number of Indians. Mr. Heinrich charges that the Indians have killed a great many of his cattle. They have made a great many claims for damages to hay that he has contested. He has prosecuted two or three Indians for killing cattle, and in that way, I think, has gained their ill will. Heinrich is not a diplomat.

The CHAIRMAN. Sir?

Mr. SCOTT. Heinrich is not a diplomat.

Senator TOWNSEND. May I ask a question, to get it clear in my head? You say there are more Indians on his lease. Does he lease the land that has been allotted to the Indians?

Mr. SCOTT. The unfenced grazing land is included in his range.

Senator TOWNSEND. Even that which has been allotted to the Indians?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. So his lease is not confined to tribal lands?

Mr. SCOTT. Not entirely; much the greater part of it is tribal land. The small tracts of land that have been allotted to Indians as their grazing allotment, as it is called, constitute a very small part of the range as a whole.

Senator TOWNSEND. You would not expect those Indians to engage in much farming if the Government leased their land to Heinrich?

Mr. SCOTT. Their farming land is not leased, Senator. The farming lands lie down in the valley. Under the law each Indian allotment is to consist of as nearly as maybe half and half irrigable agricultural land and dry upland—grazing land.

Senator TOWNSEND. But they live on this grazing land?

Mr. SCOTT. No, sir.

Senator TOWNSEND. I thought you said they lived on this land that was leased to Heinrich?

Mr. SCOTT. No, sir. Their grazing land and their agricultural lands are both within the boundaries of the lease, but the farming lands are practically all fenced and so are not subject to lease at all.

Senator TOWNSEND. Were those particular Indians consulted whose allotments had been leased to Heinrich?

Mr. SCOTT. The tribe was consulted as a whole.

Senator TOWNSEND. But those particular Indians were not?

Mr. SCOTT. There was no individual consultation or consent given.

Representative CARTER. Senator, let me ask some questions?

The CHAIRMAN. Yes.

Representative CARTER. You say their allotments consist of half irrigable and half grazing land?

Mr. SCOTT. Yes, sir.

Representative CARTER. You do not mean they get as much irrigable land as they do grazing land, do you?

Mr. SCOTT. Yes, sir.

Representative CARTER. How much irrigable land do they get?

Mr. SCOTT. Under the law under which the first allotments were made, each head of a family got 320.

Representative CARTER. Of irrigable land?

Mr. SCOTT. No, sir. One-half to be irrigable land and one-half to be grazing land. Later on it was provided that each individual should get 160 acres of land, 80 acres of which should be irrigable and 80 acres of which should be grazing land, and that is a permanent arrangement, although the irrigable land is all taken now.

Senator LANE. Does Heinrich have any trouble with the Indians on account of his stock breaking through into their crops, inside of their fences?

Mr. SCOTT. Occasionally; yes, sir.

Senator LANE. That makes bad feeling, does it not?

Mr. SCOTT. Oh, yes.

Senator LANE. In relation to these lands, how much per acre does he pay for lands for grazing purposes, do you know?

Mr. SCOTT. All of those leases are different.

Senator LANE. I was referring to Heinrich.

Mr. SCOTT. And I am unable to recall the terms.

Senator LANE. About? You would have an idea of about what the average rate he pays per acre for his leased lands, and all the others?

Mr. SCOTT. I can give you the information, sir, but I would rather not attempt to say.

Senator LANE. Can you not tell approximately how much he pays an acre for the land? What would you consider a fair price?

Mr. SCOTT. I do; yes, sir.

Senator LANE. Could they get more for their lands? Have these Indians who have these allotments made leases to other persons?

Mr. SCOTT. The individual Indian who happens to have allotments along the streams could get more; yes, sir.

Senator LANE. And that makes for bad feeling, does it?

Mr. SCOTT. If we were to allow the Indians to lease their allotments in groups, as they would like to do, to outside stockmen, the water of the reservation would be immediately fenced up and the large range would necessarily have to be abandoned.

Senator LANE. I see; that would be the reason why they have to have access to water? The water, as I understand it, is not on the grazing lands, but the streams are on what is irrigible land?

Mr. SCOTT. It runs through all parts of the grazing land.

Senator LANE. There are large parts of that land where there is no water?

Mr. SCOTT. The principal streams are the Big Horn River; and smaller streams, you readily understand, flow into these two rivers.

Senator LANE. These people who have been allotted land along the stream, have they acquired allotments to all of the lands along all of the streams so they could not get water?

Mr. SCOTT. Yes, sir.

Senator LANE. So Heinrich has to use allotted land in order to utilize his range; is that true?

Mr. SCOTT. Yes, sir; that is true. Very often, if you will allow me to explain, a family or a group of Indians are allotted along a small stream, taking that stream for miles. It frequently happens that a stockman comes in from the outside—and they are always anxious for any opportunity or excuse of getting their cattle on the reservation—come in there and go to these Indians and say they will give them so much—give them a certain sum of money for the use of their land and that of their relatives for a certain length of time. The Indians naturally want to get what they can personally, and they would like to do that. The stockman would like to run a fence around the entire group, naturally shutting off the water; and, as I say, if that were allowed we would have to abandon the large ranges.

Senator LANE. And you think it is more profitable to the Indians to operate the way you do?

Mr. SCOTT. Unquestionably.

Senator LANE. And you do not know how much per acre you get for the land under this rate?

Mr. SCOTT. I would rather not say, sir. I am not certain about the amount.

Senator LANE. Do you get a dollar an acre or half a dollar an acre?

Mr. SCOTT. Oh, no.

Senator LANE. Not as much as that—a few cents an acre?

Mr. SCOTT. I will furnish you with the information. I would rather not make a guess.

Senator LANE. This lease to Heinrich, as I understand it, is a permit?

Mr. SCOTT. It is a permit; yes, sir.

Senator LANE. How long does it run?

Mr. SCOTT. Three years.

Senator LANE. When did that term begin?

Mr. SCOTT. It began a year ago the 1st of February.

Senator LANE. You are building a fence and fencing Heinrich out and the Indians in, is that right?

Mr. SCOTT. Rather vice versa.

Senator LANE. Fencing them away from one another?

Mr. SCOTT. Yes, sir.

Senator LANE. You say the fence is about 35 miles long?

Mr. SCOTT. Thirty-four and one-half miles long.

Senator LANE. What will it cost?

Mr. SCOTT. Between \$11,000 and \$12,000.

Senator LANE. Then you do contemplate leasing those lands out or giving permanent permits to them, as a permanent proposition, or else you would not put up a fence for a few years.

Mr. SCOTT. I presume, of course, the upper portion of the range will be leased until such time as the Indians may require it for their own use.

Senator LANE. In putting this fence across the reserve, that is done to keep Heinrich's cattle from getting in onto the Indians or the Indians' cattle from getting out onto Heinrich?

Mr. SCOTT. Both; to keep the cattle from mixing and to keep the cattle owned by the Indians from drifting. Some of the Indians are above the fence and some are below it. All have more or less stock that they would naturally desire to keep near home, and this fence prevents them drifting.

Senator LANE. Have the Indians many cattle?

Mr. SCOTT. Not a great many.

Senator LANE. How many would you suppose, on the average, per family?

Mr. SCOTT. They have 1,400 to 1,500 head altogether.

Senator LANE. All told?

Mr. SCOTT. Yes, sir.

Senator LANE. How do you estimate the number that Heinrich has on his land?

Mr. SCOTT. Heinrich runs practically 2,000 head, approximately.

Senator LANE. Then it would be more to Heinrich's advantage to have his cattle drifting in on the Indians than it would be for the Indians to have their cattle drift out on Heinrich?

Mr. SCOTT. It is proposed to put a herd of some 9,000 or 10,000 head belonging to the Indians on their portion of this range in the spring.

Senator LANE. If they got out onto Heinrich's land, they would eat his grass, and that would damage him?

Mr. SCOTT. Naturally they would eat his grass if they got on his side of the fence.

Senator LANE. What I was trying to get at is that the fence will be as much benefit to Heinrich as it is to the Indians; is that not true?

Mr. SCOTT. Yes; I think so.

Senator LANE. Does he pay anything toward the building of it?

Mr. SCOTT. No, sir.

Senator LANE. The Indians are paying for that? Then they are paying somewhat for the protection of Heinrich's range?

Mr. SCOTT. Yes; it might be put in that way or it might be said that they are paying for the fencing in of their own range.

Senator TOWNSEND. This is all on Indian property, is it not, anyway?

Mr. SCOTT. Yes, sir.

Senator LANE. The line on which you place that fence was arbitrary and not a defined boundary, was it not?

Mr. SCOTT. It was run out a line along the legal subdivision; it runs along the township lines, between two townships, the greater part of the way.

Senator LANE. Is it a straight line or does it meander?

Mr. SCOTT. It is a straight line the greater part of the way; toward the eastern end it dips to the south, like that [illustrating].

Senator LANE. How far?

Mr. SCOTT. For a mile or two.

Senator LANE. Why does it do that?

Mr. SCOTT. Then it runs like that [illustrating].

Senator LANE. Why does it make those jogs?

Mr. SCOTT. To take in water for the Indian side of the range. There are streams running down here.

Senator LANE. Where does the water rise, on the Heinrich side of the fence or on the Indian side of the fence, and where does it run with reference to the fence?

Mr. SCOTT. On the Heinrich side.

Senator LANE. He has the head of the water courses?

Mr. SCOTT. Yes, sir.

Senator LANE. Well, I have understood the Indians to make some complaint about that, too, and they are not satisfied with that. You have heard that, have you not?

Mr. SCOTT. No; I have not.

Senator LANE. You can understand how it would be if somebody got upstream on your water rights?

Mr. SCOTT. Well, you understand that those streams rise in the hills.

Senator LANE. Yes; I suppose so.

Mr. SCOTT. Naturally the head is much less important than lower down. As a stream flows, it grows larger. We could not take in all of it; we could not go up and head those little streams, but we did go down and take in as much of the streams—take in water enough to water this range. Over here for instance [indicating] we have the Big Horn River, and an irrigation ditch; and over here, for instance [indicating], we have the Little Bighorn River.

Senator LANE. What is there between the two points—is this east and that west and that north and that south?

Mr. SCOTT. That is east [indicating].

Senator LANE. You fenced from one fixed point to another fixed point, but what keeps the cattle from getting around into that area—the fence begins nowhere and ends nowhere, does it?

Mr. SCOTT. It goes over here to the railroad [indicating].

Senator LANE. To the railroad track?

Mr. SCOTT. To the railroad fence.

Senator LANE. It joins that?

Mr. SCOTT. Yes.

Senator LANE. What is over here [indicating]?

Mr. SCOTT. Over here it joins the settlement fences; in fact, it runs up to what we call the "Black Canyon," a deep gorge that runs along there [indicating], and that forms a natural barrier there.

The CHAIRMAN. Does Heinrich own any private land in there?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. How much?

Mr. SCOTT. Oh, several thousand acres; I do not know how much.

The CHAIRMAN. Where is that with reference to some of this land?

Mr. SCOTT. Heinrich's land is south of the fence.

The CHAIRMAN. Does it touch Heinrich's land?

Mr. SCOTT. No, sir.

The CHAIRMAN. Is it or is it not on the Indians' side?

Mr. SCOTT. No.

The CHAIRMAN. It is on the Heinrich side?

Mr. SCOTT. Heinrich's private holdings—the bulk of them are on the range, but he has to retain——

The CHAIRMAN. So you are actually fencing a part of Heinrich's private land there, are you?

Mr. SCOTT. The fence does not touch his land, as I understand.

The CHAIRMAN. It does not make any difference. You are shutting his land up from the Indians' land and giving him a fence for his private lands, so far as the Indians' land is concerned, in addition to fencing his lease for him.

Mr. SCOTT. Heinrich's land is not in a body; it lies in small tracts.

The CHAIRMAN. But it is all embraced within the range that he is using in conjunction with the Indians' lands.

Mr. SCOTT. Not all of it. He has some on both sides. The bulk of it, I believe, lies south.

The CHAIRMAN. That is his side?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. You say that fence will cost about \$10,000?

Mr. SCOTT. Something more than that.

The CHAIRMAN. What kind of a fence are you building, Mr. Scott?

Mr. SCOTT. Building a fence under the specifications laid down in the treaty to which I referred a moment ago.

The CHAIRMAN. Yes; but what sort of a fence is it?

Mr. SCOTT. It is a wire fence, cedar posts, set 30 inches in the ground; the posts are 8 feet long; it has six wires, and there are two metallic wire stays between each two posts.

The CHAIRMAN. How wide are the posts apart?

Mr. SCOTT. Sixteen feet.

The CHAIRMAN. That is a little over \$300 a mile, if I understand you; \$10,000.

Mr. SCOTT. We never figured the cost per mile. Allow me to say that a part of that fence is built over a very rough country; for quite a distance the post holes had to be blasted in the rocks, and at other places we had to cross deep canyons, and the fence there has to be swung below, and it was expensive to haul the material out there.

Senator LANE. Under the agreement made with Heinrich or these other lessees are they allowed to sublease?

Mr. SCOTT. There is nothing in the contract to prevent it.

Senator LANE. Nothing to prevent it?

Mr. SCOTT. No.

Senator LANE. You allow them to do as they please about it?

Mr. SCOTT. Yes.

Senator LANE. And does Heinrich sublet?

Mr. SCOTT. No, sir.

Senator LANE. Do any of them?

Mr. SCOTT. Some of them do.

Senator LANE. Is the length of their leases the same as Heinrich's?

Mr. SCOTT. Yes, sir.

Senator LANE. All of them are coterminous?

Mr. SCOTT. Yes, sir; though there is one lease that expires the first of the coming February.

Senator LANE. How do you ascertain the rate of terms—do you receive bids for these ranges upon free and public bids?

Mr. SCOTT. Yes, sir.

Senator LANE. You advertise?

Mr. SCOTT. We advertize.

Senator LANE. Do you get a large number of bids, and did you get a large number this last time?

Mr. SCOTT. No. We get, in some cases, probably two or three or four bids for one range, and for other ranges, possibly, one or two. The last leasing Heinrich's bid was the only one received for his range.

Senator LANE. Do you know what "collusive" bidding is?

Mr. SCOTT. Yes, sir.

Senator LANE. Is there any of that kind of bidding?

Mr. SCOTT. Not to my knowledge.

Senator LANE. Is there anything which looks like "straw" bidding?

Mr. SCOTT. No, sir.

Senator LANE. Now, then, after settling the matter in your own mind, you have to pass upon the bids, do you not?

Mr. SCOTT. No, sir.

Senator LANE. Who does?

Mr. SCOTT. That is passed upon by the Commissioner of Indian Affairs.

Senator LANE. Where does he receive information as to whether it is advisable to lease at the price offered—from you?

Mr. SCOTT. We submit the bids when received, with our recommendations.

Senator LANE. You recommend?

Mr. SCOTT. Yes, sir.

Senator LANE. The commissioner really depends upon you for his information?

Mr. SCOTT. He depends upon me.

Senator LANE. When a man submits a bid for one of your districts numbered one or two or three or four, something of that sort?

Mr. SCOTT. They are numbered on the leases.

Senator LANE. How much was Heinrich's bid the last time?

Mr. SCOTT. I say I am unable to tell just what it was.

Senator LANE. You are unable to tell the total amount?

Mr. SCOTT. Yes.

Senator LANE. How much was anybody else's?

Mr. SCOTT. I remember range No. 4. The bid was \$10,100.

Senator LANE. How many acres was there in that?

Mr. SCOTT. Approximately 400,000; the next highest bid for that range was \$25,000.

Senator LANE. Was that from a new man or one who had it before?

Mr. SCOTT. A new man.

Senator LANE. The successful bidder was a man who had had it before, or was he a new man?

Mr. SCOTT. Yes; he had—

Senator LANE. He was holding the lease at the time?

Mr. SCOTT. Yes, sir.

Senator LANE. How long had he held that lease and what lease was it?

Mr. SCOTT. That is lease No. 4; he was running sheep there, as an employe of the man who held it prior to my time.

Senator LANE. He was familiar with the situation?

Mr. SCOTT. Shortly after I went there he bought off the lessee, and then when the range came up for lease again he bid on it in his own name.

Senator LANE. What I want to find out is how you ascertain whether the man who offers you \$10,100 is paying you about what the land is worth, or whether he is not paying you enough or paying you too much. How do you find out about that?

Mr. SCOTT. There is some evidence he was paying too much, from the fact that he has recently gone broke on the proposition.

Senator LANE. That was the only evidence you had, was it?

Mr. SCOTT. Yes.

Senator LANE. That was the only reason you had to believe he was paying too much—was because he had gone broke on it?

Mr. SCOTT. No. In comparing what he proposed to pay with what others did on the same range.

Senator LANE. You do not know the value of the range yourself; you depend upon these bids?

Mr. SCOTT. I consider the value of what it will bring in the open market. It might be remembered that these men that have the range stock have quite a large amount of money invested there; for instance, this man had two shearing plants. I am unable to say what they cost, but they are expensive plants. He had the range stocked, and was almost obliged to have it to prevent serious loss.

Senator LANE. In Heinrich's case, how many bid against him; no one?

Mr. SCOTT. There was none.

Senator LANE. Did he bid more than last year or the same as under his former lease?

Mr. SCOTT. He bid more than formerly.

Senator LANE. How did you ascertain whether that was the right price? What induced you to recommend it; what was the reason that he bid the right price?

Mr. SCOTT. I had no means of knowing what the lease was worth, other than what it would bring. The leasing was widely advertised in several of the principal cities and in the stock journals, so that it was very generally understood among the stockmen.

Senator LANE. Then you are handling the leasing, as I understand it, on a number of hundred thousand acres of land or a million acres of land?

Mr. SCOTT. Something like that.

Senator LANE. For grazing purposes?

Mr. SCOTT. Yes.

Senator LANE. Part of it cattle and part of it sheep?

Mr. SCOTT. Yes.

Senator LANE. Is there not some established rate at which those lands may be leased, about an average run throughout the country, and are not those figures obtainable?

Mr. SCOTT. Oh, yes. We are getting more, I understand, than is being paid on any other reservation, except one—more per head.

Senator LANE. As much as they do for lands under the Forest Reserve, do you suppose?

Mr. SCOTT. A great deal more than that.

Senator LANE. More than they do under the Forest Reserve?

Mr. SCOTT. Yes, sir.

Senator LANE. Then you really think you are getting a high rate for your land?

Mr. SCOTT. I believe that we are getting all that the stockmen can afford to pay, from the fact that they say they will give it up before they will pay any more.

Senator LANE. Well, would you be surprised if you were to learn you were getting very much less?

Mr. SCOTT. Than it is worth?

Senator LANE. Than the average price that the Government is getting for other land of that nature throughout the country?

Mr. SCOTT. I would be; yes. My information on that point came from an inspector of the department who was there sometime ago. I never made a comparison of it myself, and had no opportunity to know what other ranges were bringing.

The CHAIRMAN. Mr. Scott, do you know the Rae Bros.?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. They are running sheep on one of the ranges there, are they?

Mr. SCOTT. Yes, sir; No. 3.

The CHAIRMAN. Their average number is 50,000 that they are permitted to run, is it not?

Mr. SCOTT. The general rule in force out there is 30 acres to one head of large stock and five head of sheep is supposed to equal a cow or steer.

Representative STEPHENS. Six acres to each sheep, according to that?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Is the average number they are permitted to run specified in their lease or permit?

Mr. SCOTT. No. The minimum number for which they are to pay is specified, so that no matter whether they have their minimum or whether they have none at all, they are to pay a certain minimum rate.

The CHAIRMAN. Do you know whether or not it is a fact that Rae Bros. during the last season or the season preceding instead of running 50,000 head ran from 100,000 to 125,000 head of sheep on that range?

Mr. SCOTT. I think it is not a fact.

The CHAIRMAN. Do you know whether it is or not?

Mr. SCOTT. I do not know.

The CHAIRMAN. You have no knowledge concerning it?

Mr. SCOTT. I have no personal knowledge. I have only their statement for it.

Senator LANE. I would like to ask you if you took any other means to ascertain and individually tried to ascertain whether those figures were correct?

Mr. SCOTT. I have, as I say, required a report and have had our stockmen—

Senator LANE. To specially take it up?

Mr. SCOTT. To take it up. I have required sworn statements from them.

Senator LANE. And you depended on that?

Mr. SCOTT. Yes; it would be impracticable for me to go out and count their cattle.

Senator LANE. Would it be practicable to go out and look at them once in a while?

Mr. SCOTT. I do that.

Senator LANE. Can you estimate bands running 50,000 and other bands which would make 125,000?

Mr. SCOTT. A band of sheep is supposed to contain 3,000 head.

Senator LANE. Then there would be that many more bands in 125,000 than there would be in 50,000 and would resolve itself into a matter of counting the number of bands, if they run an average of about so many, would it not?

Mr. SCOTT. How is that?

Senator LANE. If they ran in bands of 3,000, if there was 50,000 there would be fewer bands than there would if there were 150,000?

Mr. SCOTT. Yes.

Senator LANE. They run so many keepers or helpers or herders to a band?

Mr. SCOTT. They have one man, usually, with each band.

Senator LANE. And they give that man all the sheep he can handle, which is supposed to be about 3,000?

Mr. SCOTT. Now, if I saw a band of sheep I could tell without counting them whether there were 3,000 or 20,000 sheep there; I would know, by looking over the herd, if it were increased to that extent.

Senator LANE. Would you have to jump that far before you could tell the difference? Could you tell a 3,000 bunch from a 6,000 bunch?

Mr. SCOTT. I think I could.

Senator LANE. You think you could?

Mr. SCOTT. I know the general appearance of a band of 3,000 sheep, and while I have never counted them, I know in a general way what it looks like from the amount of country they cover.

The CHAIRMAN. Did you make a lease last summer, along about August a year ago, and was that the time when the Heinrich lease was made?

Mr. SCOTT. The Heinrich lease took effect the 1st of February.

The CHAIRMAN. When was it made?

Mr. SCOTT. I do not remember the date.

The CHAIRMAN. Did you receive instructions from the office here to make that lease on Form 5-731; that is, a form for leasing that is kept by the department and used by it?

Mr. SCOTT. I do not remember the number of the form.

The CHAIRMAN. But you did receive instructions to make it on a form?

Mr. SCOTT. We got instructions to draw that lease on a form that accompanied the instructions.

The CHAIRMAN. Did you do that?

Mr. SCOTT. Yes.

The CHAIRMAN. Is it not a fact that instead of doing that you merely issued grazing permits?

Mr. SCOTT. It is not.

The CHAIRMAN. Do you know whether or not Rae Bros. claim openly in the community there the right to run under their contract an average of 50,000 sheep at certain seasons and 100,000 to 125,000 at other seasons, so long as the average for the whole year does not exceed 50,000?

Mr. SCOTT. There was nothing to that effect in the lease.

The CHAIRMAN. I know; but do you know whether they claim that right?

Mr. SCOTT. I never heard the claim made.

The CHAIRMAN. You have stated that you have no knowledge of their doing that?

Mr. SCOTT. I have no knowledge.

The CHAIRMAN. Spear Bros. have a lease there, have they not?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What is the area of their lease?

Mr. SCOTT. It is something near the size of the other—near the acreage of the other.

The CHAIRMAN. That is a sheep range, is it not?

Mr. SCOTT. Spear Bros.? No, sir; cattle range.

The CHAIRMAN. Do you know that Spear Bros. have sublet to a man named Simmons, and that he is running between 60,000 and 75,000 under his sublease?

Mr. SCOTT. Simonson?

The CHAIRMAN. My information is that it is Simmons.

Mr. SCOTT. The name is Simonson. They have sublet a portion of the range to Simonson.

The CHAIRMAN. How many is Simonson running?

Mr. SCOTT. It is up in the Wolf Mountains.

The CHAIRMAN. How many do they run?

Mr. SCOTT. Their flocks vary; I do not remember what they have.

The CHAIRMAN. Well, do you know whether they are exceeding the limit they are permitted or authorized to run?

Mr. SCOTT. They are not, so far as I know. As I say——

The CHAIRMAN. Do you know the number they are entitled to run under their sublease?

Mr. SCOTT. No.

The CHAIRMAN. How do you know they are not exceeding it, then?

Mr. SCOTT. It is not the—the maximum number is not fixed.

The CHAIRMAN. Can they run any number they want to?

Mr. SCOTT. They can, yes; under their lease.

The CHAIRMAN. I understand that one who has a lease on one of those reservations can run any number he pleases?

Mr. SCOTT. The only provision in the lease is that they shall not run their stock on a range to its detriment.

The CHAIRMAN. I will ask you if it is not a fact that the sheep range especially is being overstocked, and that especially during the summer it has been eaten down low and in some places destroyed?

Mr. SCOTT. It is not a fact.

The CHAIRMAN. It is not?

Mr. SCOTT. I say that emphatically.

Senator LANE. How do you ascertain whether it has been detrimental or not?

Mr. SCOTT. You can tell by riding over a range whether it has been overstocked.

Senator LANE. Did you do that to ascertain?

Mr. SCOTT. I did; yes, sir.

The CHAIRMAN. When were you over the Spear lands?

Mr. SCOTT. I was out there some weeks ago; I do not remember the exact dates.

The CHAIRMAN. How many times were you over it during the last year?

Mr. SCOTT. Oh, I am out there every few weeks; different parts of it.

The CHAIRMAN. Did you make any inspection of the range to ascertain its condition and to ascertain how they are treating the range?

Mr. SCOTT. I always do that.

The CHAIRMAN. How many times did you do that the last year?

Mr. SCOTT. I always know the condition of the range in riding over it.

The CHAIRMAN. How many times did you do that during the last year?

Mr. SCOTT. I could not say; I have occasion to go out there for various purposes, and always in riding over the country naturally know the condition of the range.

The CHAIRMAN. You made some reference awhile ago to Mrs. Grey being out there and causing the Indians to quit work, or refuse to work, rather. Did you have any disagreement with her while she was out there?

Mr. SCOTT. We did not agree on all points.

The CHAIRMAN. Did you threaten to put her off the reservation?

Mr. SCOTT. I did not.

The CHAIRMAN. Did you threaten or use any form of intimidation toward any Indians who are alleged to have given information to her while she was on the reservation?

Mr. SCOTT. Emphatically no.

The CHAIRMAN. Did you wire to the office here that she was interfering with your administration out there and ask for authority to expel her from the reservation?

Mr. SCOTT. I did not ask authority from the office to expel her from the reservation; I reported—whether by wire or not I am unable to say—I reported by letter, at any rate, the situation.

The CHAIRMAN. Why did you object to her being on the reservation?

Mr. SCOTT. From the fact that her presence there was demoralizing to the Indians.

The CHAIRMAN. How?

Mr. SCOTT. Resulting in their utter refusal to do any work, either to farm their allotments or to work for wages.

The CHAIRMAN. Now, Mr. Scott, what time did she get out there?

Mr. SCOTT. The latter part of September, I think it was.

The CHAIRMAN. Was that farming time?

Mr. SCOTT. That was at the time when the Indians were attending their annual fair.

The CHAIRMAN. Was that the farming season?

Mr. SCOTT. It was the time when they should be plowing; yes; and when they should be thrashing their grain. The fall is the busy time for the Indians, and in that country fall plowing is essential to success of the farming.

Senator TOWNSEND. I would like to have him go on and explain just what Mrs. Grey did.

Mr. SCOTT. She held councils with the Indians, the gist and trend of her talk being abuse of the employees and giving to the Indians the impression that they were being abused and robbed and maltreated, and arraying them against the office—against all authority.

Senator TOWNSEND. How do you know she did that?

Mr. SCOTT. I heard her.

Senator TOWNSEND. How?

Mr. SCOTT. I heard her do it.

Senator TOWNSEND. What did she do and what did you hear her say?

Mr. SCOTT. I could not repeat the words, Senator. There is a record of one of those councils. The record of one of those meetings, I presume, is in your files. That is typical of the whole thing. She took an attorney named McNally from Sheridan to St. Xavier, on the reservation; and while I am aware this is hearsay and would not be received in court, if I may, I will tell what he said to me about it.

Senator TOWNSEND. Go ahead. You are repeating what was told you?

Mr. SCOTT. Yes, sir. He said Mrs. Grey wired him at Sheridan to come down; that there was some law business there. She was to meet him at the county seat town of Hardin with an automobile and go from there a distance of some 25 miles to St. Xavier Mission. He came down, and finding no car there, hired one and went to the mission, where Mrs. Grey was holding meetings with the Indians. He went in and was called on to talk, especially to tell them how they could get Frank Heinrich off the reservation; how they could prevent him building this fence; and how they could obtain citizenship. He gave them what information he could. About that time I learned that Mr. McNally was over there, and wrote him asking for an ex-

planation of his presence on the reservation on that errand, and I think he left shortly after that; but the reports of these meetings came from many different sources.

The CHAIRMAN. Was Mrs. Grey present when you were at the council?

Mr. SCOTT. Who?

The CHAIRMAN. Mrs. Grey.

Mr. SCOTT. Yes.

The CHAIRMAN. Did you hear her statements?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Was that the meeting of which you say I have a copy of the record?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. I will ask you to look at this and see if this is the meeting to which you refer [handing paper to witness].

Mr. SCOTT. This appears to be a copy of the proceedings; the date is correct.

The CHAIRMAN. This is a record of the proceedings which you say illustrate the interference of Mrs. Grey in your administration there?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Is there any objection to that going into the record? That will show what was said and done by all of you there. [After consultation with Mrs. Grey.] Mrs. Grey has said that the record was altered, so I presume it would not be proper to introduce it until it is ascertained if it is authentic.

Do you know it is an authentic copy of the record?

Mr. SCOTT. That is authentic.

The CHAIRMAN. How do you know it is?

Mr. SCOTT. I know that the copy sent in was authentic.

The CHAIRMAN. How do you know?

Mr. SCOTT. I only know it from the fact that the stenographer, in whom I have every confidence, swore that it was authentic.

The CHAIRMAN. Have you seen that, Mrs. Grey?

Mrs. GREY. Yes, sir; I have copies of it.

The CHAIRMAN. I will ask Mrs. Grey some questions. You say, Mrs. Grey—

Mr. SCOTT. May I ask that Mrs. Grey be sworn?

The CHAIRMAN. Yes; she may be sworn.

TESTIMONY OF MRS. HELEN PIERCE GREY.

(Mrs. Helen Pierce Grey, being duly sworn by the chairman, was examined and testified as follows:)

The CHAIRMAN. Did you state that a part of the record of the council proceedings held at Crow Agency, Mont., October 6, 1913, had been eliminated?

Mrs. GREY. It had been eliminated—one whole speech had been eliminated.

The CHAIRMAN. Whose speech was that?

Mrs. GREY. Sees With His Ears. When I obtained a copy of the record which gave the names, they took this, and that is what he wrote as being the speech that had been cut out.

The CHAIRMAN. Do you remember what Sees With His Ears made a statement there?

Mr. SCOTT. What statement?

The CHAIRMAN. At that council meeting.

Mr. SCOTT. I think he was on the floor at different times.

The CHAIRMAN. Different times?

Mr. SCOTT. Yes, sir

Mrs. GREY. Another Indian by the name of Two Leggins was there during the whole meeting, and he is the one they considered the highest chief and the president of the council. There is nothing in the record to show that.

Representative CARTER. Is the part of the record that is there correct?

Mrs. GREY. No, sir; it is not.

Representative CARTER. What is wrong about the part that is there?

Mrs. GREY. A number of things; what Frank Bethune said is not there.

Representative CARTER. Is it not there?

Mrs. GREY. No.

Representative CARTER. Is the part of the record correct as to what you said?

Mrs. GREY. I could not say just exactly what I said there, but I said in substance what is there.

The CHAIRMAN. That is, all that is material in your statement. If there is no objection upon that ground, the statement alluded to here as being the record of what took place at the council meeting October 6, 1913, may go into the record here for that purpose.

(Record of council meeting October 6, 1913, is as follows:)

COUNCIL PROCEEDINGS HELD AT CROW AGENCY, MONT., OCTOBER 6, 1913, AT 11 O'CLOCK A. M.

(Mr. Russell White Bear reads the following letter:)

The SUPERINTENDENT OF THE CROW RESERVATION,

Crow Agency, Mont.:

Mrs. Helen Pierce Grey represents certain Crow Indians who desire to present their case to the Senate commission to investigate Indian affairs through her. It is therefore requested that you and your employees furnish her facilities and information and extend to her such courtesies as may promote her convenience in the performance of her services.

Very truly,

JOS. T. ROBINSON, *Chairman.*

Mr. SCOTT. Now, my friends, we want to get down to business. I will be glad to hear from you anything pertaining to the business of the tribe; anything for the good of the Crows. Speak out freely and fully.

Two LEGGINS. I would like to have you put on record that we request Mr. Jenkins to be present at this meeting. Mr. Campbell, who has been here for the past 20 years, should be here also, and we request his presence.

Mr. SCOTT. Mr. Campbell is witness at court at Hardin, and will be back as soon as possible.

Two LEGGINS. In any important meeting of this kind, Mr. Campbell should be here, but it seems that he is always absent.

SEES WITH HIS EARS. Please take down everything that we say.

YELLOW HEAD. I want to know why several stakes have been placed at intervals from Hardin up the Big Horn Valley, here and there.

Mr. SCOTT. There is a company organized for the purpose of constructing a railroad from the mouth of the Big Horn Canyon, from Hardin to Custer, and to construct a canal on the other side of the Big Horn River. That company secured the consent of the Secretary of the Interior to make a survey. That does not necessarily mean that the railroad or the canal will be built. It is only a survey to determine whether the project is practicable. If they

find that it is, and the company is strong enough to put in the railroad and the canal, then they will go ahead and ask for a right of way.

YELLOW HEAD. We have never been informed, and yet they have planted the stakes and we have never had a meeting on the matter.

Mr. SCOTT. If the project comes to anything, then it will be taken up with the Indians.

YELLOW HEAD. Very often certain matters have been under proposition and they do not let the Indians know anything about it, and when they get it through it is too strong to stop the progress of it, and that is why I wanted to find out before.

TWO LEGGINS. This short man, the fence builder [meaning Mr. Jenkins], I heard that Mr. Jenkins made the remark that the Indians have nothing to hold council about, and he has gone and skipped from here. In this proposed council, why did he run away?

Mr. SCOTT. The time was fixed for 9 o'clock, and Mr. Jenkins thought that it would be uncertain when it would be held, and he has gone. He was here at 9 o'clock.

TWO LEGGINS. He ought to have understood that we requested a meeting for to-day. As far as I am concerned, if I am told that some matters are to be brought up, no matter how busy I am, I will look ahead to be present at that meeting.

BIRD ABOVE. Yesterday I suggested at our meeting across the river, as it was muddy and bad, that it was not necessary to leave for our homes and that we get together to-day for a council. This is the proper time to have a meeting, and whenever we have anything to say we want to tell it to you. No doubt Mr. Jenkins understood what I said, as he was on my left-hand side at the meeting yesterday. He is here as an inspector, and I do not see why he would be absent when he knew the meeting was to be here.

SPOTTED RABBIT. Mr. Harris, I would like to ask you a question. Did the Commissioner of Indian Affairs authorize you, or the Secretary of the Interior, or the committee authorize you to be here?

RUSSELL W. BEAR. Mr. Harris hands me the credentials which I shall read to the Indians [reads]:

"To whom it may concern:

"The bearer, Mr. H. Harris, is authorized to visit Indian reservations in Montana to examine records, make investigations, and take statements of witnesses for and on behalf of the Joint Commission to Investigate Indian Affairs.

"Jos. T. ROBINSON, Chairman."

SPOTTED RABBIT. Are you one of the Senators?

Mr. HARRIS. I am not.

SPOTTED RABBIT. Were you just recently appointed?

Mr. HARRIS. I was.

SPOTTED RABBIT. From what source are you paid?

Mr. HARRIS. I am paid from the committee.

SPOTTED RABBIT. That is all. I wanted to say something to Mr. Jenkins. I wanted to ask him something.

Mr. HARRIS. Ask him if he has been told in private that I have no authority on this reservation and that I was only here to bleed the Indians.

SPOTTED RABBIT. You said in your statement yesterday that you did not want a nickel from us.

Mr. HARRIS. I have refused to take presents, such as moccasins. He did not answer my question.

RUSSELL W. BEAR. He said no.

KNOWS THE GROUND. I wish to repeat some of the things I said yesterday; in fact, all that I remember. I want to have a thorough understanding of it. I want to know what instructions were given to you when you were appointed as agent by the Indian Department.

Mr. SCOTT. I had no specific instructions; merely to come and do what I thought was right. The Secretary said to me at that time that this reservation had been in an uproar for four or five years and that he hoped I would be able to quiet things down.

KNOWS THE GROUND. From what source of revenue are you paid? From what money?

Mr. SCOTT. I am now paid from "Indian moneys, proceeds of labor," which means money to the credit of the tribe from grazing leases, etc. That is only within the past year. The change was made last year.

KNOWS THE GROUND. What was the change?

Mr. SCOTT. Before that time I was paid from money appropriated from the Treasury of the United States.

KNOWS THE GROUND. I want to know whether it was Indian money or white man's money that is in the Treasury.

Mr. SCOTT. White man's money up to that time.

KNOWS THE GROUND. You have only one body or one person. Why is it that you are paid from white man's money and Indians' money?

Mr. SCOTT. He does not understand. Up to about a year ago my salary came from the white man's money; then the authorities in Washington stopped that money and put me on the roll of employees paid from Indian money. I only get one salary.

KNOWS THE GROUND. You are supposed to be our guardian, and you are appointed to look after us, and it looks as though you would look after our affairs. As you look at me, I have long hair—a Crow Indian and interested with the Crows—and if I commit a crime it looks as though I ought to be punished here on the reservation. Instead of deciding my case here—and if I am guilty and should stand the consequences—instead of keeping me here they send me away.

Mr. SCOTT. That is a matter that I do not control. There are certain small offenses that we may handle here on the reservation. The more serious crimes, such as bringing in whisky, stealing horses, killing cattle, or murder, are violations of the laws of the United States and must be handled by the United States courts.

KNOWS THE GROUND. Of course, important cases should naturally be looked after outside, but there are minor cases that are sent away from here, and you, as our agent, should prevent the transfer of such cases; and if you do not want to assist us, why do you remain here?

Mr. SCOTT. What has he in mind?

KNOWS THE GROUND. I am speaking in general. There are a lot of poor fellows who have been turned over to the civil authorities, and it costs them a lot of money, and it looks as though you could prevent it, but you take them by the back and throw them out and make them lose a lot of money.

Mr. SCOTT. No cases have been given to the Federal court that have not been violations of the Federal law.

KNOWS THE GROUND. I am of the opinion that you have power, as agent, that if you want to prevent these cases being transferred you have the power to do it. That is why I ask you. That is all.

SEES WITH HIS EARS. I wish to ask you a question, Mr. Scott, with reference to Knows the Ground's talk this morning. You informed Knows the Ground that in the most important cases it was necessary to transfer them to the Federal court. If you have authority to send these Indians to the Federal court of hearing on important cases, why did you omit Heinrich's brother's case when he came before the Indians and fired his gun to scare them? Why did you not look after that? The only ones who should carry a gun here are the police. I do not like the idea that anybody else should carry a gun.

Mr. SCOTT. Tell him that I do not transfer the cases. They are taken up by the Federal authorities. Those are the serious cases. I do not know what he refers to with reference to Frank Heinrich's brother.

SEES WITH HIS EARS. When Enos Light killed one of his own cattle, and Curly went over to see him, Enos Light gave Currey some meat, and on the way back to their homes Heinrich's brother met them on the road. When they met Curly's wagon one of the men got into the wagon and searched it while Heinrich's brother got his gun out and shot near the wagon. A matter of that kind should be taken up. Why do you not take that up and have them appear before the Federal court?

Mr. SCOTT. That would not constitute a crime. That would not be a thing that would be punishable in the Federal court; that is, shooting near the wagon. I heard that they searched Curly's wagon. Curly told me about it himself. Curly did not make a serious complaint about it, because they did not accuse him of stealing the meat.

SEES WITH HIS EARS. The way we look at it, it is not right that some of Heinrich's men, who are not on the police force, should search Indians' wagons and do shooting. We do not want such people on the reservation.

Mr. SCOTT. Who searched the wagon?

SEES WITH HIS EARS. Heinrich searched the wagon. His brother was the one who did the shooting. I am one of the leaders of the reservation, and I am looked up to to look after such things, and a matter like that, that has been

overlooked by the authorities, I have a right to say something about it for the welfare of the Indians.

Mr. SCOTT. There are a great many things of that kind that take place on the reservation that we can not help, things for which different people are to blame. We can not take them up and prosecute them, because they do not constitute a crime, and all we can do is to try to keep them down as closely as possible. If I took up all the little matters and followed up all the small complaints, we would need to have a much larger police force than we have and it would keep the Indian court busy all the time.

SEES WITH HIS EARS. I have just told you that any matter that impaired the Indian's position I have a right to discuss it with the authorities. In regard to the dead allotment money, instead of when we ask for authority from Washington, we would like to have it so arranged that as soon as the Indian sells his land that all the money be turned over to him, and the Indian will use the money according to his discretion, and put it in the bank if he wants to.

Mr. SCOTT. That would involve a change of policy on the part of the Indian Office, and that is something I can not do. I can not change their policy. I have to take orders from the office. The reason for that is that a great many Indians as soon as they get money send it; no matter how much there is of it they will immediately get rid of it. So they want this money to do the Indians as much good as possible. It is just like giving you a fee patent for your land. When you get a fee patent you can go and sell that land and you get the money in your hand, then you are at liberty to spend it just as you please. Under the law the department can grant a fee patent to an Indian who is competent to handle his own affairs, but he must first make a showing to the department that he is competent to handle his affairs before we can turn his land over to him.

SEES WITH HIS EARS. I am not speaking of the fee patent. That question is not in my talk at all. I am simply asking that you would use your influence to secure permission from the department to change that regulation, so that the Indians who have dead allotments and have sold dead allotments and have money in the office, that each one that wanted to take it out and spend it or put it in the bank, it is all right.

Mr. SCOTT. The office is growing more liberal all the time. We can get more money now, money for what we call "unrestricted use," and it is working more along that direction. I would be glad to see them do that, and I like especially the idea of the boys putting their money in the bank where they can draw it themselves. It teaches them to keep money on hand so they can get it when they need it. A few are doing that now and they are making rapid progress.

SEES WITH HIS EARS. If it would benefit some, and that it would be a good thing, why not all of us have that privilege? If we had the money in our possession we could deposit it in the bank and we could go and draw at our leisure. The policy to-day is that we have to await authority from Washington. We are tired of that.

Mr. SCOTT. They might embody that in their request to the office.

SEES WITH HIS EARS. I wish to talk about one more thing that we are worrying about. The way we understand in regard to the school regulations, is we are told that it is the policy of the Indian Office to have the children in the school to the age of 18 years, and then after that they are entitled to be discharged from the school, but at the present time there are some that are of that age, so it is our request that every one of the school children who are over 18 may be turned over to their parents so they could go home and be with their parents and assist them.

Mr. SCOTT. As soon as school children reach the age of 18 they are turned out unless it is at the middle of the term, and then they are kept until the close of the term. Their ages are determined according to the records of the office. We have the age and time when each child was born put down on paper at the time they were brought in to be enrolled, and very generally that record is correct. The father and mother may lose the count. They have nothing to go by but their memory, so to make it fair to all we go by the record in the office.

SEES WITH HIS EARS. Let us have a thorough understanding on that in the future. Several have complained that their children have reached the age of 18, and they go to the office and consult you in regard to their ages, and if you give it to them they will not molest you in the meantime.

Mr. SCOTT. We will give them the age any time they ask for it.

SEES WITH HIS EARS. That is all on that matter. We are going to talk on the cattle question to-day. We are of the opinion that we want individual herds, but we fear that the department is scheming to have the cattle in a com-

mon herd. Next spring as soon as the cattle are purchased and brought here and unloaded from the cars we want them to be issued to us individually so we can take them to our own homes and take care of them.

Mr. SCOTT. I have recommended that. I have told the office that the Indians were unanimously in favor of that. I want each man to have his own cattle and to be responsible for them. Each man to see what he can make out of them.

SEES WITH HIS EARS. That will go down on this record and go to the office as the sentiment of this meeting. As a body of people it is our aim to look forward instead of looking sideways or backwards, and it is our interest that we look after our cattle, and when it is time to ship cattle and want to sell our steers we should do so, so we can get money that will be of some benefit to us. That is the reason we are opposed to the common herd. Any matter like that we want to discuss it thoroughly to the end. That is all on that matter.

We are all opposed to the building of the fence. I am one of the main ones against the building of that fence.

Mr. SCOTT. As I explained to you yesterday, that plan was adopted by a committee selected by the office. The idea was to divide the range to be occupied by the Indian cattle from the range that is to be retained by Frank Heinrich—to keep the cattle from mixing up and causing trouble between Heinrich and his men and the Indians.

SEES WITH HIS EARS. You have had your say. I want my speech on the record and I want to talk until I get through. I want to know whether the parties who have been appointed by the Indian Bureau, whether it was proper to segregate Heinrich's cattle and the Indian cattle, has consulted with the Crows, and we are anxious to know, and we protested against that building of the fence and we do not know anything about the scheme. It has always been the trouble with the Indian Bureau and the department to come on the reservation to suggest and plan matters without consulting the Indians. They simply come on the reservation and do as they please. This place does not belong to them. It is ours. Whenever a matter is brought up it should be brought to a council, and if it is approved by the Indians it should be carried through, but very often they push things through without our consent. You are building a fence cutting off the nice springs at the headwater of the creeks, and Heinrich's cattle will naturally manure the places above the fence and our cattle will be deprived of the good water. It seems you are building the fence for Heinrich instead of for the benefit of the Crows. Some time you asked me personally what my opinion was in regard to the construction work the railroad people were about to construct at Wyola, to have an underground water pipe, and I told you we had better have a general council of the matter, and you never said anything about it and now, I understand, it has been carried through.

Mr. SCOTT. This pipe line runs all the way through allotted land. The people who owned the allotted land were called on, and each one was paid $2\frac{1}{2}$ cents for each foot of the length of the pipe.

FRANK BETHUNE. I want to know whether the Great Father has sent you here to assist me or not.

Mr. SCOTT. Sure.

FRANK BETHUNE. As I look over the ground here, some of them are chiefs and some of them are old. For an illustration, they are like work horses. When they were young they could work, but now they are old and can not work. Whenever any of these Indians sell their dead allotments their money should be paid over to them right away. They know something about banking. If they spend all of the money they derive from the dead allotment sales it does not hurt you any. If they want to spend it let them spend it at their discretion. They all think they are smart, so let them have the money, and they will place a dollar before them and they will look forward to increase the value of that dollar. I am begging you and pleading to you to use your influence to secure the right that we should get all of our dead-allotment money and try us and see who is the best man and see who will keep their money and who will spend it. When they issued the cattle to us years ago I saw that some of them looked after their cattle and herded them, and here is one man—this man, Shavings, looked after his cattle, and he had as many as 80 or 90 head. He went so far as to herd them on foot. They took these cattle away from him and other Indians and placed them in the common herd, and from then they did not look after their cattle, and the cattle were all stolen; and Shavings has no cattle and is among one of the poorest of the Indians to-day. When they purchase these cattle they should issue them out individually, and if they kill

them and are not capable of handling them it is not your fault. They do not belong to you. They belong to the Indians. Use your influence so that we could get the cattle individually instead of the common herd.

MR. SCOTT. I will do that.

FRANK BETHUNE. They are our cattle, and give them to us, and if we do not care for them it is our own fault. They do not belong to the department. Issue them out to us. This reservation is like a cracker, it is breaking here and there and is going away, and when you issue the cattle to them and get the dead-allotment money they can go buy cattle with it. They might buy pigs and chickens. I have got a dollar here. It is mine, and I see it and am scheming how to spend it or increase it, and that is what I want for these Indians here.

HOOP ON FOREHEAD. I have cut some hay this summer. While I was out cutting hay Frank Shively came to my home and searched my place. I have got some cattle. Whenever I have any meat at home I use my own cattle. I always get along well with you. Frank Shively told me that you gave him orders to search my place, and told Frank that I had a lot of meat there. No doubt that everybody has heard of the matter. I have always treated you right and used you as a friend. For the benefit of Mr. Harris and Mrs. Gray, I want to say something about it. I have been used as a scout in following the Sioux some years ago. I was with Gen. Crook during the campaign, and I was in the fight on the Rosebud, but they have not paid me anything. What is the reason they did not give me anything?

Now I have only four head of cattle near my place. All the rest are scattered in the mountains and over the reservation. When we eat any beef or any of these Indians kill their own cattle, it is right that we kill our own beef. The white men are not the only ones who have beef.

BIRD ABOVE. I want to ask you a question. Have you ever instructed your farmers, with circulars or verbally, to search Indian houses, etc.?

MR. SCOTT. No; I never have.

BIRD ABOVE. Our boss farmer, Foster, has done that trick of searching some of the Indians' houses, and I want to know whether it is by your orders or the Indian Office.

MR. SCOTT. There has been a good deal of cattle killing over on the Bighorn. The farmers have been instructed to keep a close lookout to prevent it, if possible, and to find out who did it when killing did occur. They were never told just how to go at it, but were allowed to use their own judgment. It is the practice everywhere when the officers have reason to think that evidence of killing can be found by searching a house to search it. When a crime has been committed it is to the interest of everybody to know who did it, so if he searches your house and finds nothing, that would seem to clear you of suspicion. You can see if the officers were not allowed to search for evidence they could not fasten the crime on anyone. It is the duty of every good citizen to help the officers in every way they can to uncover crime and not to throw obstacles in his way and shield a criminal.

BIRD ABOVE. I have reason to believe that Heinrich has committed some of the killing himself in order to accuse the Indians of the killing, and he went with the farmer to search the Indians' house. I believe that Heinrich has paid that boss farmer to work against us.

MR. SCOTT. If you bring me proof of that, we will have another boss farmer.

BIRD ABOVE. I do not kill any cattle at all. I always consider myself among the best Indians here, yet Foster came and searched my place without any reason at all. All of us over on the Bighorn are anxious to see Mr. Foster discharged right away. If you should get up and ask the Bighorn Indians whether they want Mr. Foster discharged, they will say in the affirmative. Will you ask whether they want to retain Mr. Foster or not?

MR. SCOTT. Is that all the charge he has to bring against him?

BIRD ABOVE. There are a lot more.

MR. SCOTT. The way to get at that is to present your charges against him in writing, saying just why you want him discharged and just what he has done. Foster has always been considered one of the very best farmers on the reservation. The way to measure a farmer is by the way he does his work.

BIRD ABOVE. We all think he is the worst farmer on the reservation.

MR. SCOTT. The fact must be considered that Bird Above was discharged as a policeman at Foster's request; and, of course, he does not like Foster.

BIRD ABOVE. The reason I do not like Mr. Foster is that, without having any search warrant, he came and searched my place to assist Heinrich. That is

why I do not like him. He has not been a good farmer. He has done a lot of wrong over there, and, even if you do not remove him, we do not like him any more.

COYOTE RUNS. At one time the Crows owned all this country. They owned all these different animals. They had plenty to eat at that time, and even then an important matter of this kind they would bring it up for discussion. My former resources and livelihood are gone, such as buffaloes, antelope, etc. They are all gone. My only resource is from my land to-day. In other words, I depend on what my land produces. You might have placed me on very fine land. No, I am living on a very small reservation. My land is so decreased that it is small in comparison with the other days. When the department wants to do anything on my reservation they should have a general meeting, and if the Indians decide in favor of their proposition, all right; and if not, they decide in the negative. I own this land, and whenever I say anything I want it to be so and not have anyone else judge for me. I am speaking of former leading chiefs at the time the Government made treaties with them. One is Long Horse and the other is Blackfoot. I have not been paid for the lands they have taken from me. If I have been paid it may have been a nickel or 10 cents, but if I have been paid I do not know anything about it. Now, I have only a small piece of land and I do not want to be molested and keep what is left. I have ceded over to you that portion of land lying in the Clarks Fork, Old Agency, and about Billings. The white men has taken that land and I have made you rich—and the wealth you have piled it up sky high. I have ceded a big strip over to you and the owners of the land to-day are very wealthy; and yet, instead of progressing I am going backward and have not received the proper compensation. All our former experiences teach us not to let any more land be ceded, and to provide for future security I must hold to my land. The reservation is small, but somehow or other Heinrich is very anxious to put his cattle on the reservation. It does not matter how you handle stock or where you place the stock, there is always danger of natural death coming to your cattle. When he finds any of his cattle dead he tries to blame it on some one all the time. I have heard a great deal of Heinrich. I have never met him, but he seems to bother my people and my land a whole lot. In the future, if Mr. Heinrich does not wish to lose any more of his cattle, he should move off the reservation, as there is lots of other land, and we request that he move off the land, as we do not want him here any more. I ask the Indians whether they agree to my sentiments and whether they want Heinrich removed from the reservation. [General show of hands.]

Two LEGGINS. Where is Jenkins?

Mr. SCOTT. He did not know you wanted to talk to him.

RUSSELL W. BEAR. I told him this morning that they wanted to talk to him, but he said he had nothing to talk about and that the Indians were crazy. I have a matter myself to talk to him about.

SPOTTED RABBIT. I want to know of Mr. Harris if he will have a copy of this and present it to the committee?

Mr. HARRIS. I want it if I can get it.

Mr. SCOTT. You can have a copy.

SPOTTED RABBIT. We would like to have a copy of it. We want cattle. Next spring, when the cattle are issued to us, we want to look after them individually. We want to have the increase for our future livelihood. In former years we had a common herd, and it is a bad policy and it has not accrued us anything, and by our former experiences we are afraid of the danger of a common herd. Many of our children who have been born recently and have not been allotted we want them allotted.

Mr. SCOTT. Right there, Spotted Rabbit, there is no law now under which we can allot children. If we ask Congress to make a law providing for the allotment of children, these people who are wanting to open the reservation will immediately add a provision opening the rest of the reservation after the allotments are made. That is what we are up against. All of the children have selections of land, and when the time comes for allotting, they will get the land that is selected for them. We can not tell when that will be.

SPOTTED RABBIT. I want that to go on record. During Hatchett's time some of the Indian children's allotments that were selected have never been allotted to them and have died before any definite arrangements have been made and any papers that have been given to them; we want them to have the land now, and those that have been born since, we want them allotted also. The surplus land of our reservation has been districted off to lessors in one, two, three, four,

five, and six districts. Every time we have a meeting Heinrich's name has been brought up, and we have had a great deal of trouble with him, and search each other's places, etc. I made a reason for protesting against the building of the fence, because we want to use that money for our own benefit for building the fence. For instance, yesterday, when you presented the bill of Robert Yellowtail for the \$30 he wanted to collect from the Indians. You see we love our money and do not want to spend it for building such things as fences. You are building that fence for Heinrich, as the best springs are on the other side of the fence. You have already witnessed the Indians have raised their hands that they do not want Heinrich any more.

Mr. SCOTT. Let me give him an item of the money that is building the fence. The treaty that became a law on April 27, 1904, provided that the Secretary should spend \$40,000, or as much of it as might be necessary, for fencing the reservation. That money came from the sale of the ceded land, and it can not be spent for anything else without an act of Congress.

SPOTTED RABBIT. That is a matter that does not do us any good at all, yet you are all leading toward it, and you have reached that point. The time when we had that council we said we wanted the fence built around the reservation. We did not say we wanted it built through the reservation. I was one of the men at that council, and I know just what we said. You assist Heinrich and keep him here, and in another year or so there will be some murder going on here.

Mr. SCOTT. Now, let me tell you about that. A year ago the Heinrich lease expired. The range was put up for lease to the highest bidder for a term of three years. Frank Heinrich was the highest bidder, and so the lease was made to him. I do not care the least little bit who has the range. Frank Heinrich thinks I am hard on him; you think I am working for him. I am between two stones. He is giving up a part of that range now, and my understanding is that as soon as he can get rid of his stock he intends to get out entirely. Now, the thing for you people to do is to give him a square deal, treat him as you would a man, and get along with him the best you can until he gets out of there.

SPOTTED RABBIT. If he gets away from the reservation soon that is the only way he can get away from here without any trouble. If he stays any length of time no doubt there will be some trouble. Now is the time. It is fall and his cattle are fat, and it is a good time to ship cattle, and he can ship his cattle away and there will be no trouble at all, and we want that land for next spring. He simply comes there himself and throws things around and searches places and shoots dogs. Nobody would do that. For instance, I go outside of the reservation and shoot some of your white men's dogs down. What would you do to me? When these Indians sell their dead allotments and they think they are going to get money, and they know they have money, and they get permission to buy horses you give them an order for \$400 or \$500. They know a horse's value, and when they go out to a man and he knows it is ready cash, he gets an old team of horses that are not worth anything.

Mr. SCOTT. I will tell you how the trouble came in that: That was the practice for quite a while, to give an authority to buy a team for so much money. We found that in nearly every instance these old Indians would take that kind of an authority—say for \$500—they would buy an old pair of skates worth about \$150, and they would get a little cash, and the result was they were getting cheated on their horses, and we had to adopt the practice of having the stockmen and farmers inspect the horses they were buying and the price they paid for them.

YELLOW HEAD. We all know that it is important that, no matter who they are, they are willing to work and they should have teams. We know good teams when we see them. I am contemplating on buying a team 4 years old, a wagon not quite a year old, and a set of harness not a year old. I brought them over to the office to have you inspect them, and asked you about buying them. You did not say a word, but got up and left.

Mr. SCOTT. Yellow Head came to the office some time ago and said that he was blind and was not strong and could not work and that he wanted a monthly allowance so he could buy grub for his money. We made that arrangement for him, and he has since that time been drawing \$25 a month. When we ask for permission to buy a team for an Indian we have got to say that that Indian can make some use of it, and it would have been inconsistent to ask for a work team for a man who says himself that he can not work. Now, Yellow Head does not work. He came to me with a team, as he says, and wanted to buy it some time ago. He wanted to buy of a man who was passing

through the country, and who, if he sold the team, he must have the money right then and there. It takes from 10 days to 2 weeks to get authority from Washington. I explained all of that to Yellow Head many times. I never in my life refused to answer an Indian when he spoke to me.

SPOTTED RABBIT. From now on give the Indians their dead allotment money so they can take care of it themselves.

Mr. SCOTT. In that case, Spotted Rabbit, take Yellow Head's case. He has about \$400. Suppose we gave him all that money, and he would go and buy a team with it. He has nothing to eat, and he would have no money to buy grub.

SPOTTED RABBIT. He is not too old to work. If you gave him that \$400 the chances are that he would buy a team and work with it. You see lots of old white men that work.

Mr. SCOTT. You have to judge what a man will do by what he has done in the past.

SPOTTED RABBIT. It is their money, and if they wish to purchase cattle or horses, or anything they want, it is their money, and they have the right to spend it as they see fit. If the money was given to them now they would improve their places.

Mr. SCOTT. I do not know about that. His wife has a good team.

SPOTTED RABBIT. I am speaking for the Crows. I am not speaking for Yellow Head alone.

Mr. SCOTT. I am taking Yellow Head as an illustration.

SPOTTED RABBIT. Over on Big Horn Basin lies Black Foot, an uncle of mine. Over there in this northern direction lies River Crow claim. I would like to have an attorney look after those places. I have been trying to get a lawyer to get compensation, to get the money that has not been paid us for the River Crow district and the Big Horn Basin, and I would like to have Mr. Harris take this up and present it to Congress so that it would get these claims through.

Mr. SCOTT. I made a request to the office some time ago that they employ an attorney to search the records to see if there was any claim in favor of the Crows that could be enforced. I am not in favor of employing an attorney by the year, but I would employ them to do a certain thing, pay them for that and let them go.

SPOTTED RABBIT. We would not consent to or we do not ask Congress or the Indian Bureau to make a selection of a lawyer. We Indians will decide on what lawyer to employ. Since I mention this matter, I will stay by my word and continue asking for a lawyer until I get one. That is all on that matter.

With regard to the school children. There is some misunderstanding on that. They are our children. They were born, and we know when they were born, and we know their age. Right now there is a new moon. We have a way of counting years by the moon and we know just exactly the length of time. Whenever the moon is full seven times, it is a year, according to our computation. You have twelve times in your year. Now, since the matter has been brought up in regard to the school children, we ask that those who are 18 years old be let out of school, and the girls that are 18 also be let out without waiting any longer.

Mr. SCOTT. We have that understanding. There is no misunderstanding at all, but that we have to go by our records. I am glad you told us about the moons. It may explain the difference between our records and the time as the parents remember it.

BULL DONT FALL DOWN. I would like to have Mr. Harris and Mrs. Grey pay especial attention to what I say. It will not be very much. You look at me. My flesh is not iron; it is soft, but I have made peace with you and I have worked for you and have been on friendly terms with you. When I was 17 years old, it was the first time they established an agency. The Sioux were trying to take this land away from me here around this locality. You see that my flesh is soft, yet I work hard to retain the land for my people, so that the white people who come in this part of the country may travel in peace. Now you are doing it. As an illustration, I am like the kildeers who lay their eggs on the rocks. When we go near them they do not like to leave their eggs. I have treated you likewise. I have stayed by you. It was my aim that I would like to see everybody, white man and Indian, live here in peace, and I have worked hard in that interest, and I am glad it is so. When the department wanted us to cede a certain part of the land, I refused, but when the majority of the Indians consented, I also consented. Now, I ceded a portion of the reservation over to you. You have paid me partially, still you are grabbing

over it and trying to take my reservation away from me. If you open the reservation, the children now and the ones that are growing up, if they have children in the future, what are they to do for land when you have taken all our land. Some of the biggest portion of my land that I had in former years, which lies beyond the Musselshell, and some on this side that I have ceded to the Government, some of it has not been paid for.

MR. SCOTT. Let me say a word there. Under the treaty the Government guaranteed the Indian \$1.25 per acre. The greater part of the land has been sold, but there is still quite a good deal left. That is held because there is coal under it. Now, instead of getting \$1.25 per acre, as the Government guaranteed you, you will get more than twice that much. The payment for this land is divided into five equal parts, one year apart. As fast as it comes in it is put in the bank at Washington to the credit of the tribe. It is that money that will go to pay for these cattle that you will get this spring.

RUSSELL W. BEAR. Are you referring to the River Crow Claim or the Ceded Strip?

MR. SCOTT. Ceded Strip.

RUSSELL W. BEAR. He refers to the River Crow Claim and the Ceded Strip also.

BULL DONT FALL DOWN. You are looking to other reservations for heirs to this land. We have relatives on this reservation and do not want you to look to the other reservations. I have already stated that I have assisted you white people and have been peaceable and I would ask you to use your influence to look after my affairs and get some benefit for me.

SEES WITH HIS EARS. I would like to have a copy of this for Mr. Harris and Mrs. Grey.

RUSSELL W. BEAR. Sees With His Ears told the Indians that he was one of the main instigators of many petitions that have been framed at the office, or elsewhere, to prevent Mrs. Helen Grey from coming on the reservation, but since she has been permitted by the Senate committee to come, that the Indians you see have raised their hands and voted to put Mrs. Grey on salary and they have chosen her as their legal representative of their affairs in the future.

PUTS ON ANTELOPE CAP. When they bought the land in the Yellowstone Valley I was one of the main chiefs. They were in council like this and the majority of the chiefs were willing to relinquish that portion of the land, and I was one that protested, yet the majority carried the day. After the council we chiefs returned to the reservation and told the Indians that they promised us several million dollars for that portion of the reservation we ceded and we were very glad that we were to get a large sum of money, but a large part has never been paid us, and a great many of those Indians are dead. When we were getting the annuity of \$12 per year each, many of our relatives died and we were paid their share. Now, when a payment is paid to the Indians we do not get any of their money, even when they have their names already registered. When we were first moved here from the old agency they promised us they would issue rations to us for 29 years. A short time after we were moved here the rations were cut off. Why did not they carry out their agreement? The surrounding tribes of Indians around us, they are getting rations. They are having trouble with the white people. The Crows have always been peaceable with the white people. You have cut us off from rations. It is customary that at the age of 17 or 18 years our children are considered of age and are men and women. Now, when they are 20 and 22 they are kept in school.

GEORGE NO HORSE. There have been so many complaints in regard to the partition fence, and I want to talk about the fence. Anybody in building a fence, they would build it on a straight line. In laying out the poles for the line they dodge water holes and take in all the heads of springs. It looks as though they were going to fence all of the water holes out of the Indian range.

MR. SCOTT. Tell him that it is a mistake; that it goes to the south in order to take in water holes on the Indian side of the fence.

GEORGE NO HORSE. That is not so. I see it with my own eyes. All the Indians protest against the division fence for Frank Heinrich. Another reason why we do not like Frank Heinrich on the reservation is that his cattle has been destroying our crops. I came on the train this morning and saw cattle destroying stacks. The reason that we have not been able to take Frank Heinrich off the reservation is that he is assisted by our agent, W. W. Scott, and binding him so that we can not put him off the reservation. Mr. Scott, we do not wish you to assist Frank Heinrich, even if we were awarded \$1,000,000 that he should stay any longer. Frank Heinrich has a bad temper himself, Will Heinrich is a

bad fighter, and Matt Tschirge is a bad man. Right now there is a fourth man in with these three men. The fourth man that comes to assist these men is Inspector Jenkins, from the Indian Department. I wonder if that inspector was sent out here to inspect Indian affairs on this reservation through quarrels or profane language. I wish that inspector was present right now, so that I could talk to him right in front of his face, but he is not present at this time. We call him the fence builder. Frank Heinrich, Will Heinrich, and Matt Tschirge all carry an Army gun. They are dangerous weapons. If the bullets from this gun slightly touch the ground they will go quite a ways. If Frank Heinrich and his two relatives lay down their arms and go about just as though they were in peace it would be better, but if they continue to carry arms there will be trouble. Some of these days they will kill some of us. Mr. Scott, we are tired of this on our reservation, and we want to get rid of Frank Heinrich.

RUSSELL W. BEAR. I have been deprived of standing before Maj. Scott and present to him my grievance. To-day I am glad I have that chance. Mr. Scott is our agent. He is sent here as our guardian to help us and assist us, but he has not helped us a particle. I am a Crow Indian. If he has ever helped me in a single instance I want him to tell me right now.

Mr. SCOTT. All right. Just a short time ago I wrote the Indian Office, asking them to give Russell an appointment. They replied by wire asking him if he would accept position as disciplinarian at the Busby School. I asked Russell about it, and he said he would take it, and I replied to the office to that effect. A few days later they wrote Russell that they could not consider him for that place. It is Russell's record and not the superintendent that stands in his way. Now, if you want any more I will give the record as I have it in the office.

Mrs. GREY. Tell him to do it.

RUSSELL W. BEAR. I will be glad to get all those papers that tend to blacken my character.

Mr. SCOTT. It is quite a record.

Mrs. GREY. I will make it a part of the investigation.

RUSSELL W. BEAR. What has my character outside of the reservation anything to do with the Crow Indian affairs?

Mr. SCOTT. It has to do with his own character and not with the reservation.

RUSSELL W. BEAR. Just right now I want to talk about what Mr. Scott has not done for the Crow Tribe. We are talking about the entire Crow Tribe; we are not talking about any one person, but if he wishes to darken my character he can get up and do so. Frank Heinrich has caused a whole lot of trouble with these Indians, and he has not assisted the Indians in any way. Now, there has been some talk about the division fence of Frank Heinrich, but I want to talk about it some more. The agent is here to help all the Crow Indians. He is supposed to help me and not to attack me personally.

FRANK BETHUNE. If the agent wants to talk about every person in the Crow Tribe and their individual character he can do so. I will also talk personally with the agent about his character. Mr. Scott, please sit down; we want to talk to you.

RUSSELL W. BEAR. If Mr. Scott does not like me to speak, I will sit down.

Mrs. GREY. I want to say that I am glad that you show me so much confidence. As for what I am going to try to do, Mr. Scott said, you can only judge what they are going to do by what they have done. That is one time I agree with Mr. Scott, and I only say I am going to try to do in the future pretty near as much as I have done in the past. I won't promise to do as much because I don't believe I can. What I have tried all the time to do is to get you Crow Indians a chance to say what you want done. That is what I am going to try to do in the future. Now, you remember last night when I came into the tent down at the camp that Mr. Scott was attacking me. Just as soon as I talked to him face to face and say what he says is not true, he takes it back. There has been altogether too much of that going on and that is what is the matter with the Crow Indians. They don't come out and say before your face and give you a chance to answer, but they say it to your back, and when you come they run. The kind of a man the Indian Bureau likes, and the major likes is Frank Shively. You all know that he is drunk most of the time, both here and at Washington. Commissioner Abbott knows he gets drunk, but he is the kind of a man they like. So I am glad they do not like me, and Russell, you can be glad they do not like you. Now, when I was in Washington I found out some things that Russell had said. I won't go into it all now, but when the investigation comes, I am going to try to get the letter that Russell wrote the Indian Bureau to E. P. Holcombe, that some things that were very, very bad

on the reservation be improved. I found his letter and on the outside of the letter was a note by Mr. E. P. Holcombe, "File without action," and it was filed and no action was taken, and he gave proof of very bad things that ought to be looked into. Just a little while afterwards Senator Curtis, who has been our strong good friend right through, sent for me. He said to me, "Here is a letter from Russell White Bear and he is in jail, and I do not see why he should be in jail for selling his dead allotment and I do not see how any Indian could be fooled by selling his dead allotment." I think Miller bought the dead allotment. Now, I think it would take somebody smarter than Russell White Bear to fool Fred Miller by selling him a dead allotment on the reservation. I told Senator Curtis about the charges that Russell made and he said, "I guess it was the charges and not the dead allotment that is the matter with Russell." I took Russell's part and went to the commissioner and Secretary and he got out of jail and was given a fine position at Haskell. Now, that meant one of two things, either they were very careless about making charges against Russell or they were very careless about putting teachers at Haskell. Now, there are other things here.

I am very glad that all of this has been taken down to-day. There are very many things that have been said by Mr. Scott that I do not agree with, because when I found things like this council in Washington that had been said here, I said "That is not so." That is the reason they sent me here, and they have sent Mr. Harris to be the judge and to see whether there is anything here or not. Now, there are very many things, but I am going to take up but one thing, as it is getting late. I am going to be on the reservation a long time. There is a thing that is very near to your hearts—the allotment of the children since 1906. One of you asked Mr. Scott to have your children allotted, and Mr. Scott made his reply. It is written down in the records of this meeting. Now, I am going to tell you about that, and it will be written down in the records of this meeting. When this committee comes here they can read what Mr. Scott has said, and they can read what I have said. Now, under the act of 1904 Congress ordered that this reservation be allotted to the Crow Indians. Your children are Crow Indians. When Congress made that order it did not say to stop the allotment in 1910, 11, 12, or 13. It did not say any time, but to go on forever as long as there are any children. The act did not say to go on forever, but that is the custom on all the reservations like this, where there is plenty of land and children being born, and so strong is the wish of Congress that all the children be allotted every year and the rolls be kept perfect that every year the Indian bill carries a great appropriation—I think around a million dollars every single year—so that the Commissioner of Indian Affairs and the agent may survey the land for the children that are born, and that they allot them. Now, let me tell you what Maj. Scott added to that. He said that we can not allot the children until we can get ready to open the surplus land.

Mr. Scott. No, I did not say at.

Mrs. Grey. Now, that is all I will talk about this. I want to talk in particular about the Heinrich lease. Heinrich has no lease on this reservation. He has a permit. He had a lease the last time, a good, strong, well-drawn lease. It was gotten by fraud. When I came here he was paying about \$1,800 a year for all that land up above the ID range—what we call the Heinrich pasture. I don't believe he was paying that much, but that was as much as Mr. Dalby could make it appear that he was paying. Now, you all remember my friend Mr. Dalby. After several years I managed to get him out of the Government, and within 20 days after he got out he became the attorney for Mr. Heinrich in Washington. He is there yet. Now, Dalby was the one with Mr. E. P. Holcombe, Mr. Abbott, and Maj. Scott who put through the lease that was made, I think, three years ago. It is just the kind of a job you would expect them to do. I have got the papers here, and when the committee comes I am ready to show them how it was done. You Indians had always reserved the ID range for your cattle. Frank Heinrich wanted that range. Mr. Dalby was his attorney in Washington, and that lease was approved. He paid, I think, \$46,800 a year. That is the difference from \$46,800 and \$1,800. That was what he offered. He knew he had that many cattle. The lease of the ID range was approved in Washington before it was put up to you Indians. It could not be leased without your consent. So Commissioner Abbott wrote to Mr. Scott to call those Indians together and get permission for this lease. That was after it was approved. I have got a copy of that letter with me.

Maj. Scott wrote back that the bad Indians were in the majority on this reservation and would not consent to this lease.

Mr. SCOTT. Have you a copy of that letter?

Mrs. GREY. Yes.

Mr. SCOTT. I would like to see it.

Mrs. GREY. You have seen it.

Mr. SCOTT. I want to say I never wrote that letter.

Mrs. GRAY. That is a part of the Ben No Horse case.

Mr. SCOTT. You say to them that I never said the bad Indians were in the majority on the reservation.

Mrs. GRAY. So Mr. Abbott wired Mr. Scott not to do anything until Mr. Holcombe got here; that he would come out here and hold a council that would give the proper consent to making the ID lease; and to make it right sure, to make the council right, Mr. Abbott wrote the minutes of the council in Washington that was to be held out here, and he brought them along with him.

Mr. SCOTT. I would like to say a word.

Mrs. GRAY. Just a minute. They were signed on the reservation as the actual minutes of the council, leasing the ID range, and that was the way the ID range was leased. I had copies of the papers made in the Indian Office, all that I have said, later to be presented to the committee when they come here.

Mr. SCOTT. The ID range was leased before I ever came to the country. I had nothing whatever to do with it. Mr. Holcombe has never been to this reservation since I came here.

Mrs. GRAY. So far as that is concerned, I know nothing about it. What I find I found in the records at Washington, and have them ready to present to the committee when they come here. A good many of you Indians say you never gave consent to the leasing of the ID range. Is not that so?

BLAKE WHITE BEAR. Mr. Scott, when that letter came I was a clerk in the office under you. The time when that letter came I handled and filed all the letters. It said, "Get all the Indians together and have a council," and I thought that it was proper that the Indians should know what the office was doing. Before that Big Medicine told me that if I knew anything in the office to notify him and the Indians, and I did, and a day or two afterwards you called me into the office and you shut the door and used profane language and said, "Look here; I don't want you to tell anything that is going on in this office; it not any of the Indians' business." He said, "You are holding a responsible position," and a few days after I went out of the office. The Lord help me; it is true.

Mr. SCOTT. That lease, as I remember it, was dated February 1, 1910. I came to the reservation and took charge the 1st of July that year.

Mrs. GRAY. I want to say to Blake that I did not know Blake when I saw him. I did not know he was a clerk in the office. There is a whole lot more, Blake, that I have not told, is there not?

BLAKE WHITE BEAR. I have a copy of that letter.

Mrs. GRAY. That will all come out later. Now, I want to tell you about telling the truth. I never saw Blake, and did not know him. Remember that when you come to give testimony. I have come to it that I can get up before a hundred men. I have done it more than once. Now I will go back to where I stopped about the Heinrich lease. I think Mr. Yegen was the highest bidder against Mr. Heinrich, and I think the lease should have been awarded to him. I have his protest to his attorney in Washington. That will be called to the attention of the committee. Under the terms of Heinrich's lease, as it was made at that time, in 1910, he could not sublet any of his lease. It is written in the lease that if he does sublet any part of his lease he forfeits his lease. When I was here two years ago I had a hearing in the office on Ben Spotted Horse's steer. I guess you all know about it. The steer had a brand on it that made it look very much as though Heinrich was stealing Ben Spotted Horse's cattle. While we were discussing that, it came out in the hearing in Mr. Scott's office that Charles Heinrich was subleasing from Frank Heinrich. I called on the commissioner, in Washington, to cancel his lease, because Heinrich signed his agreement that if he subleased that it would be forfeited. I did not know at that time that Mr. Dana and Matt Tschirge and, I guess, two other men were running their cattle with Frank Heinrich's cattle. Of course your agent and your stock inspector both knew it, because Frank Heinrich was shipping cattle all the time, and every brand is taken down, and it was their duty to know every single brand that was shipped out or shipped in or that was on the range. Now, instead of obeying the law and canceling Hein-

rich's lease, when the lease was made the last time—it was not a lease at all, but it was a permit. Now let me tell you how a permit acts. Mr. Heinrich can sublease all the land he wants to. He pays you, we will say, \$48,000. I think Heinrich realizes probably five times that much out of the lease, besides running his own cattle. The Indian Bureau is absolutely opposed to that, and I believe if Secretary Lane knew just this very one thing he would do what he has the right to do, because Heinrich has a permit. He took his chances on the permit. He has the right to cancel this permit right now if he wants to. Now, that is one of the things that I want to try to prove that Mr. Heinrich is subleasing and making money out of the lease, besides running his cattle, and try to have his permit canceled, not next year but right now, this fall.

Now, one thing more about Heinrich. Heinrich has no more right to carry a gun and hold it up to an Indian than an Indian has to carry a gun and hold it up to Mr. Scott. Not one bit more. If one of you Indians were to meet Mrs. Scott in their automobile out on the road and search it for any of the cattle that Mr. Heinrich branded for you and shoot her dog, you know what would happen to you. You would be murdered right on the spot. Now, I tell you Indians, they have no more right to hold up Mrs. Curley and shoot her dog than you have to hold up Mrs. Scott and shoot her dog. Now, I want you to help me prove the things I have heard. I have heard it all over the reservation that Heinrich goes in your houses and searches your wagons. He took Amy Leider's husband up to Hardin, and they fined him \$58, and he does not know what it was for. They can not do those things. I know it is done, because I have heard it over and over and over again. Different ones have told me. I want to get a few cases I can prove positively and we will put them before this committee and we will see if it can be done or can not be done. Because Heinrich is doing those things is another reason why we should get together and have him put off this fall. Now, there is another thing that Heinrich has done that is enough to put him in the penitentiary, and if one of you Indians would do it it would put you in the penitentiary. The law is the same for Heinrich as it is for you, and that is he is branding the Indian cattle. The Indians know they used to have some cattle, and they know they have been mixed in Heinrich's herd, and they know they have no cattle now. That is proof, because the cattle used to be here and they are not here now. They say the Indians ate them, but the Indians did not know where they were, and I do not see how they could have eaten them if they did not know where they were. My experience is that you can not eat a steer until you find it. Now, over in George Pease's corral he has a steer that has his brand on and that has the antlers brand on. I am going to keep that steer. You Indians have hides that have those brands on, and if you have them I want you to bring them in. You bring them in and we will put them before the committee, and we will ask them if they want a cattle stealer to stay on the reservation this winter. Now, it is quite late and I will not talk any more, but there is a great deal more I want to say. There are a great many things on the reservation I want to see before the committee gets here. I will see a great many of you in your homes, and I want you to write to me. I think if we all stand together there will be some changes in this reservation after the investigation has been made.

TESTIMONY OF W. W. SCOTT—Resumed.

The CHAIRMAN. The Indians had not been consulted about the building of that fence, and under the treaty they had the right to be consulted, did they not?

Mr. SCOTT. If it should be held that that treaty did not authorize the building of a cross fence, they should have been consulted.

The CHAIRMAN. What was your objection to their having an attorney there, if they wanted one?

Mr. SCOTT. Having what?

The CHAIRMAN. What was your objection to their having an attorney there, if they wanted one?

Mr. SCOTT. Simply objecting to stirring up the Indians; creating excitement on the reservation.

The CHAIRMAN. What excitement? They were all complaining. The council was called because of some complaint.

Mr. SCOTT. A very few were complaining. When anyone goes to an Indian reservation to inquire into conditions invariably there are a few who have complaints to make. That is inevitable; in any community that would be found. Those are the Indians who are heard; the Indians who are going along attending to their own business, who have no complaint to make, say nothing. They neither comment nor denounce.

Senator TOWNSEND. While Mrs. Grey was on the reservation did she do anything to prevent the children from going to school?

Mr. SCOTT. Not to my knowledge.

Senator TOWNSEND. Did you ever charge that she did do that—that she talked to them and said that the superintendent did not have any authority to send the children to school?

Mr. SCOTT. I do not remember that I ever made a charge of that kind. It has been reported to me that she said that.

Senator TOWNSEND. You said that the Indians refused to work. What did they do?

Mr. SCOTT. Nothing.

Senator TOWNSEND. Did they remain right on their allotments?

Mr. SCOTT. No, sir; they were traveling around visiting, holding councils, and gathering in camps during the fall.

Senator TOWNSEND. What is their condition for entering the winter?

Mr. SCOTT. It is not good.

Senator TOWNSEND. What is the trouble?

Mr. SCOTT. Principally that they have refused to work, refused to earn any money. An Indian is not provident; he invariably spends his money just about as soon as he gets it; and, having no income, naturally they run out of money.

Senator TOWNSEND. What are you going to do with them this winter?

Mr. SCOTT. They are not in want. Those Indians have quite an income from different sources. There are several hundred private leases in effect from which they get money. We are selling inherited lands all the time, and the proceeds are being divided among the Indians. They are selling stock and getting money from that source. The tribe is very closely related, and as long as one Indian has anything they are all supplied. They are, by inheritance and instinct, communists, and as long as one has anything they all have it.

Senator TOWNSEND. Do you feel they are going into the winter broke?

Mr. SCOTT. Practically; yes, sir.

Senator TOWNSEND. And that you have got to help them before spring?

Mr. SCOTT. I think I will have to help them. That is one of the objects of my visit to Washington at this time.

Senator TOWNSEND. To get help for them?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. About how much grain did they raise this year? You said they were farming and had farmed about how many thousand acres?

Mr. SCOTT. I have not the figures in my mind.

Representative STEPHENS. Did you not keep any figures?

Mr. SCOTT. We have a record of all the grain raised.

Representative STEPHENS. Can you approximate how much they raise?

Mr. SCOTT. No; I can not.

Representative STEPHENS. How much hay did they bale—how many tons of hay?

Mr. SCOTT. They do not bale hay.

Representative STEPHENS. What do they do with it?

Mr. SCOTT. They put it up in stacks and sell it in the stacks.

Representative STEPHENS. Have you any estimate of how much they sell?

Mr. SCOTT. We have a record of how much they put up.

Representative STEPHENS. How much is that?

Mr. SCOTT. I do not know that I can even approximate that. We keep an individual record, and on this we note the amount of hay put up by each Indian.

Representative STEPHENS. Do they have as much as \$1,000 worth of hay?

Mr. SCOTT. Oh, yes; many thousands.

Representative STEPHENS. How much?

Mr. SCOTT. I can not say.

Representative STEPHENS. Do they have as much as \$1,000 worth of grain?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Do they have any corn up in that country?

Mr. SCOTT. No, sir.

Representative STEPHENS. Wheat and oats?

Mr. SCOTT. Wheat and oats principally; they grow alfalfa very largely.

Representative STEPHENS. Now, you can not even estimate as to the value?

Mr. SCOTT. I can not; no, sir. There are several hundred Indians, and there is, as I say, a record of how much each one has put up. Every fall when the haying is completed we measure the hay of each Indian, making a record of the kind of fence he has around it, so that in case the hay is destroyed we will know what damages to ask.

Representative STEPHENS. Are the hay lands fenced?

Mr. SCOTT. Yes, sir; generally.

Representative STEPHENS. And are the farming lands, what we call the "irrigable" lands, fenced?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. The grazing land is not fenced?

Mr. SCOTT. The grazing land is not fenced.

Representative STEPHENS. This fence that you speak of as being $34\frac{1}{2}$ miles in length cuts off the Indians' land, as I understand it, from the leased lands; is that correct?

Mr. SCOTT. No, sir; it divided what has heretofore been held in one range.

Representative STEPHENS. Following the old subdivisions of the reservation; and you have left some Indians in those six subdivisions?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. What was the object of building the fence—was it for any benefit to the Indians?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. To what extent?

Mr. SCOTT. It keeps their cattle from straying into the mountains and enables us to lease the land on the south side of the fence.

Representative STEPHENS. Are there any Indians in the mountains?

Mr. SCOTT. Very few—

Representative STEPHENS. Wait a minute, Mr. Scott. So you say it enables you to lease the land on the south side. I thought you said awhile ago you had already leased the land to Heinrich for three years, and that without a fence?

Mr. SCOTT. That is true; but if we turned the Indian cattle in there Heinrich would have to give up the entire lease; by fencing it he does not have to. He can retain enough to run the stock that he will hold. He shipped out very largely this fall.

Representative STEPHENS. Do you mean to say the new policy inaugurated by the department of buying a large number of cattle made that fence necessary in the interest of the Indians?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. The winter range, as I understand it, is in the mountains?

Mr. SCOTT. No, sir; the summer range is in the mountains.

Representative STEPHENS. And that is the range that you propose to put the cattle on that you buy for the Indians. Is that correct?

Mr. SCOTT. No, sir; we propose to put the cattle that we buy for the Indians on the open range.

Representative STEPHENS. What are you reserving the mountain range for?

Mr. SCOTT. We are not reserving that. We are allowing the lease to hold those on that portion of the range.

Representative STEPHENS. Then what is the object of building a fence?

Mr. SCOTT. To keep the cattle of the Indians from mixing with those of the lessee.

Representative STEPHENS. Do you find that it gets up trouble between the Indians and the lessees if the stockmen's cattle get to the farms and advance lands of the Indians?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. How is it with reference to the Indian stock trespassing upon the leased lands; does that get up trouble?

Mr. SCOTT. No, sir; under the contract each Indian family is permitted to run upon the open range—that is, on the leased lands—100 head of cattle.

Representative STEPHENS. Do any of them exceed that amount?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Then what arrangement do you make when they have over the amount permitted?

Mr. SCOTT. We have never made any arrangement about it; that is, we have never made any charge, from the fact that so many of them fall so far below that amount that the lessee has never demanded any reduction of his rental.

Representative STEPHENS. Then, in the aggregate, the Indians have not as much stock as they would be entitled to under the contract?

Mr. SCOTT. No, sir.

Representative STEPHENS. Then, you have no complaint from that source. The only complaint is that the cattlemen want to keep their cattle away from the farms of the Indians; is that correct?

Mr. SCOTT. And away from the grazing land that is now reserved for the Indians.

Representative STEPHENS. That is now reserved for the Indians?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Do the Indians object to that?

Mr. SCOTT. Some few object to the building of the fence; yes.

Representative STEPHENS. Do they have councils? Do the Indians have any tribal arrangements, or was that all broken up,

Mr. SCOTT. They have their councils; yes.

Representative STEPHENS. Are those leases made irrespective of the wishes of the Indians by the department?

Mr. SCOTT. No, sir; they are consulted. When it is proposed to make a lease, the Indians are called together in council. The proposition is stated to them and they are asked to express their wishes in the matter. Heretofore they have always consented that the Secretary should lease their lands to the best advantage or interest of the Indians.

Representative STEPHENS. When these leases now in existence were made, were they consulted and did they agree to the terms of the leases now existing?

Mr. SCOTT. No, sir.

Representative STEPHENS. Why were they made then over their protest?

Mr. SCOTT. They did not protest; there was no protest filed against them.

Representative STEPHENS. But they had no chance either to affirm or authorize these leases now in existence, as I understand you?

Mr. SCOTT. They authorized the Secretary to lease the lands in his discretion.

Representative STEPHENS. Have you a copy of one of those leases that you could put into this record?

Mr. SCOTT. Not here; no, sir.

Representative STEPHENS. Does the department keep a duplicate of it?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. You said it was on Form 5-731, Mr. Heinrich's lease. Were all the rest on that form?

Mr. SCOTT. A lease is one form; a permit is another.

Representative STEPHENS. I understood you to say that this was not a permit, but a lease?

Mr. SCOTT. No, sir; it is a permit. Under the permits of that form the department can retain any or all of a certain portion of the range; under lease it might be different.

Representative STEPHENS. Then, this is a permit?

Mr. SCOTT. Yes.

Representative STEPHENS. Is it just a grazing permit by the head or by the acre?

Mr. SCOTT. Is it in Heinrich's case?

Representative STEPHENS. Yes.

Mr. SCOTT. It is a lump sum for the range.

Representative STEPHENS. For the use of a certain amount of land?

Mr. SCOTT. That is my information.

Representative STEPHENS. That was to be cut off. Was it in the contract or lease that this should be cut off by the fence?

Mr. SCOTT. No, sir.

Representative STEPHENS. Who first mentioned it and who got up that fence idea; who suggested that first?

Mr. SCOTT. The commission appointed by the Secretary and commissioner to formulate plans for running the cattle.

Representative STEPHENS. That was done, then, under the rules and regulations of the Indian Bureau?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. That these commissioners were appointed?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Did these commissioners designate where this fence should be put?

Mr. SCOTT. They did; yes, sir.

Representative STEPHENS. And the character and kind of a fence?

Mr. SCOTT. Yes, sir. As I said awhile ago, they followed the specifications contained in the treaty, providing for fencing the reservation.

Representative STEPHENS. Then it is strictly a fence built by the department under the rules and regulations of the department, is it not?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. And whether the Indians were consulted or not, it would still be a legal fence, as far as the Government is concerned, would it not?

Mr. SCOTT. It was built under the rules and regulations and terms of the lease.

Representative STEPHENS. But it is not in accordance with the treaty?

Mr. SCOTT. I would say it was; yes, sir.

Representative STEPHENS. Has the fence been accepted?

Mr. SCOTT. No; it is not complete. It is not being built by contract.

Representative STEPHENS. Who has the building of it?

Mr. SCOTT. By day labor. We purchased the material by making bids. Then it is hauled out to the line in wagons, and men are employed to dig the holes, set posts, and string the wires, under the supervision of an employee of our office.

Representative STEPHENS. You said that this body of land was under lease for three years?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Is it a written lease—a recorded lease?

Mr. SCOTT. It is not recorded; no.

Representative STEPHENS. It is a lease between the Government and individuals?

Mr. SCOTT. Yes, sir.

Senator LANE. It is a permit; not a lease at all.

Representative STEPHENS. Does not the permit authorize the owners of the stock to use that land, for a sum of money, for a certain specified time?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. How much of that time is yet to run?

Mr. SCOTT. Two years.

Representative STEPHENS. One year has already passed?

Mr. SCOTT. That is, two years after the first of the coming month.

Representative STEPHENS. Part of the permit, then, is to the effect that if the land is overstocked and injured at any time you have the right to stop such injury to the land?

Mr. SCOTT. Yes, sir; at any time.

Representative STEPHENS. Who is the person who interferes; who has that authority? Do you have it?

Mr. SCOTT. I would have it.

Representative STEPHENS. Have the Indians ever complained to you that the land was being overstocked?

Mr. SCOTT. There was a complaint some two or three years ago that the Spear lease was overstocked.

Representative STEPHENS. Any other complaints?

Mr. SCOTT. No, sir; I have never had any complaints that any other lease was overstocked. They have never been overstocked, and consequently there has been no complaint.

Representative STEPHENS. You stated that these grazing areas were leased and not held under permits?

Mr. SCOTT. Some of the contracts in effect are leases and some are permits. To my mind there is not very much difference between a lease and a permit. It is simply a contract between the Government and the party leasing the land or permitting.

The CHAIRMAN. Are you familiar with the form of lease that is used by the bureau?

Mr. SCOTT. Oh, I have read them many times.

The CHAIRMAN. That lease contains an express stipulation that if the lessee shall sublet any part of the land that has been leased it shall work a forfeiture of the lease. Did you know that?

Mr. SCOTT. Some of them do; I know that.

The CHAIRMAN. Do you know whether or not the leases that are in force on that reservation are upon Form 5-371?

Mr. SCOTT. I do not; I do not remember the form numbers.

The CHAIRMAN. You ought to know that a number of these lessees were subletting. I believe you said Spear had sublet to a man by the name of Simonson?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Did you hear any complaint among the Indians about that matter?

Mr. SCOTT. No, sir.

The CHAIRMAN. Do you not know, as a matter of fact, that it is quite general among them that a great many of them are complaining about that? Do you not know that that is one of the grounds of complaint—that the administration of the agency has permitted the subleasing by the lessees of large areas, in express violation of the

terms of the lease? The language of the lease form that I have referred to is as follows:

It is also expressly agreed between the parties hereto that neither the lands covered by this lease, nor any part thereof, shall be subleased or sublet in any manner whatever without the written consent of the council speaking for the tribe, and the approval thereof by the Secretary of the Interior, and that any violation of this provision shall ipso facto work a forfeiture of the lease.

Were those subleases approved by the Secretary of the Interior?

Mr. SCOTT. Yes, sir. Oh, no; not the subleases; no. There has never been a formal sublease filed with us at all.

The CHAIRMAN. Do you mean to say that you let Simonson, in fact a sublessee, run sixty or seventy thousand head of sheep on that range without even a formal sublease?

Mr. SCOTT. He has not run that many sheep on there.

The CHAIRMAN. You said, in answer to my question a while ago, that you did know the Spears had subleased to a man by the name of Simonson, and you corrected the name when I called it Simmons.

Mr. SCOTT. I know that.

The CHAIRMAN. You say, as a matter of fact, they have no formal sublease?

Mr. SCOTT. I do not know whether they have a contract or not. I am not sure. The contract is between themselves. We have known that Mr. Simonson was running sheep on Mr. Spear's lease.

The CHAIRMAN. When did you first learn that?

Mr. SCOTT. He has not sublet any part of the range.

The CHAIRMAN. When did you first learn that Simonson was running sheep on Spear's lease?

Mr. SCOTT. That arrangement was in effect when I went to the reservation.

The CHAIRMAN. Did you call it to the attention of the Secretary of the Interior?

Mr. SCOTT. No; I did not.

The CHAIRMAN. Why did you not do that?

Mr. SCOTT. It never—because I thought the arrangement was understood.

The CHAIRMAN. You knew that they had no right, under the written contract, did you not? Because you said you were familiar with this form. You knew that if you did call it to the attention of the Secretary of the Interior they would forfeit that lease?

Mr. SCOTT. My understanding of that provision is that the lessee can not set aside portions of his lease for the use of other stockmen. I do not understand that taking in a number of stock, whether sheep or cattle, by the lessee, when he can do so without overstocking the range, and allowing them to run these cattle over his range is a violation of that provision.

The CHAIRMAN. You think not?

Mr. SCOTT. I have not so considered it.

The CHAIRMAN. What do you think the purpose is of the Government in putting that stipulation in the lease if it is not to prevent the very thing that you are permitting? Under your construction of it, every man in Montana could put his sheep or his cattle on a lease that was granted to Heinrich, provided they did not violate the provision that they must not overstock the range. Is not that true?

Mr. SCOTT. To my mind, as long as the lessee does not turn over his lease or any part of it to another man, he is not violating the terms of his contract.

The CHAIRMAN. Do you not know that that is an evasion of that provision in the lease to permit some one other than the lessee to run his cattle or stock on the range? Do you not know that that is the very object of that stipulation in the lease, to control who shall run their stock on the range?

Mr. SCOTT. The lessee is responsible; he is responsible for the treatment of the range. As long as he keeps the letter of the law as to that, I do not feel that he has violated his contract. There are times when the stock owned by the lessee will be a very small part of the capacity of the range. I think that we could not ask him to let the range lie idle when he might just as well have some one come in there and help him to take care of it.

The CHAIRMAN. No; that is where I think you have made a very grave mistake. Your idea is to give the greatest benefit possible to the lessee—

Mr. SCOTT. No, sir; the greatest possible benefit for the Indians.

The CHAIRMAN. How does it help anyone for you to encourage the lessee to cause others to bring their stock in there and consume the range?

Mr. SCOTT. Because, if he were not allowed to do that, he would not pay what he does for the range.

The CHAIRMAN. How do you know that? Is it not equivalent to permitting him to sublet the range to permit him or encourage him to permit others to use the range and get the benefit of his contract? Do you not think it would be better to have a formal sublease, so that you could know just what was going on?

Mr. SCOTT. We know what is going on. And, Senator, suppose you lease a farm, and in your contract you provide that you will not sublet that farm or house or any property, if you please. There is nothing in that lease that would preclude you from taking in somebody in that house there, as long as—

The CHAIRMAN. You think not?

Mr. SCOTT. So long as you could let some man come in and occupy a part of it. You pay for the use of the property.

The CHAIRMAN. I think your position is absolutely absurd and in contravention to the only purpose that could be in the mind of the Government in putting that stipulation in there. But that is a matter of argument.

Senator TOWNSEND. Do you have many of those leases in that way? Is that a common thing?

Mr. SCOTT. No; it is not common. The one lease, that of the Spear Bros., is the only one in that condition.

The CHAIRMAN. Do you not know that Heinrich is doing the same thing all the time?

Mr. SCOTT. I think he is not, sir.

The CHAIRMAN. Do you know Mr. Harry Harris, the inspector that visited out there this summer?

Mr. SCOTT. Yes, sir; I do.

The CHAIRMAN. Did you talk with him about the Heinrich lease?

Mr. SCOTT. I had very little conversation with Mr. Harris. I do not remember whether the subject of the Heinrich lease was ever mentioned.

The CHAIRMAN. Did he call attention to the fact that Heinrich was especially practicing the subletting system?

Mr. SCOTT. There may have been some conversation as to that; I do not recall it.

The CHAIRMAN. As a matter of fact, you told Heinrich that it was your general policy to encourage this plan, did you not?

Mr. SCOTT. I think you misunderstood me. I did not intend to say that we encouraged that. In fact, we would much prefer if that was not done, and we discouraged it as far as possible.

Senator TOWNSEND. Do you not think that there are quite a number of those subleases in that way—call them by what name you please?

Mr. SCOTT. I think not.

Senator TOWNSEND. Was the Heinrich lease cut down?

Mr. SCOTT. It will be on the 1st of February.

Senator TOWNSEND. Is that because he had been subleasing part of it?

Mr. SCOTT. No, sir.

Senator TOWNSEND. That is not true?

Mr. SCOTT. No, sir; not at all. I want to say that I asked Mr. Heinrich only a short time ago if he had any arrangement under which anyone was running stock on his range, and he assured me very emphatically not. And, as I say, I have a great deal of confidence in Mr. Heinrich.

Representative STEPHENS. Is this 34½ miles of fence that you mentioned sheep proof, so that sheep can not get through it?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. It is wire fence?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Do stock in that country, such a cattle and horses and sheep, drift during the cold storms and blizzards that you have in that country and mix with other stock?

Mr. SCOTT. Oh, yes. Well, they drift more in pleasant weather, I think, than in storms. In storms they get into the brush as far as possible.

Representative STEPHENS. Would this fence prevent the mixing of the Indians' cattle and Heinrich's or other persons' cattle and sheep?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. In that way it would be a benefit to the Indians as well as to the owners of the lease?

Mr. SCOTT. Yes, sir. To my mind, it would be impracticable to run a herd of the size that we expect to put in there for the Indians on the same range with the Heinrich cattle. Another thing: If we put those cattle in there on the same range, Mr. Heinrich would be obliged to pull out, and we would lose perhaps the cost or more than the cost of that fence every year.

Representative STEPHENS. You have been in that range country a long while?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Is it not a fact that the men who use the public domain usually have what they call drift fences to prevent the mixing of stock, the intermingling of stock?

Mr. SCOTT. That is very common.

Representative STEPHENS. Do you remember several years ago that quite a controversy arose between the public land office here and the persons who control the public lands and the men who had up those fences, and they were required to take them down?

Mr. SCOTT. I remember that that was the case. I was at the time a special agent of the General Land Office, and in the only case in which I remember to have been concerned, I reported favorably in a case of that kind, saying that the fence that had been constructed was not upon public land, and so far from being an injury, it was a benefit to the settlers in that community. That was in eastern Colorado.

Representative STEPHENS. And it is still a recognized fact among the range men that these fences are a benefit to the range as well as to the people who own the cattle in that country, to prevent the mixing of herds?

Mr. SCOTT. Yes, sir; it is a very common practice.

The CHAIRMAN. There is a stipulation in the lease that I observe here, on the form that I referred to a while ago—and I know of no other form—5-371, to the effect that “the number of _____ cattle to be grazed on the territory described shall be limited to _____ head, and that any excess of 10 per cent over and above such number for a period of 30 years at any one time shall ipso facto work a forfeiture of the lease.”

If that is a fact, that some of these lessees are running three or four times as many as the maximum to be allowed, on the theory that they are entitled to run an average number, that would work a forfeiture of the lease at the option of the Government, I take it; that is, considering that lease was in the form that I referred to here. I notice in the grazing permit that there is an express stipulation that the permittee shall not ask any rebate on account of not having run the full number of stock that he is authorized to run.

Mr. SCOTT. That is, not having stocked the range up to the minimum.

The CHAIRMAN. Up to the maximum?

Mr. SCOTT. Up to the minimum.

The CHAIRMAN. There can be no minimum. If he did not run more than one, the Government could not be hurt by that. The Government would not object if he saw fit to run the range at the maximum, running 25,000 head of cattle, or if he saw fit to run 25. It would be foolish to put a minimum limit in there.

Mr. SCOTT. Under a recent advertisement for bids on one of our ranges it is stated that they shall not run more than a specified amount, a stipulated number of head at any one time.

The CHAIRMAN. And if they do run 10 per cent more than that for 30 days they forfeit their lease?

Mr. SCOTT. The lease has never been made up under that advertisement, so I do not know what the specific provisions will be.

Senator TOWNSEND. Has he identified that lease?

The CHAIRMAN. No; he states it was made on a lease form, and I have saved that question by assuming that this is the form. Of course, we will get copies of the lease.

Mr. SCOTT. It was made on a form provided by the department. While we do the clerical work, the contract is approved in the Indian Office, and the terms.

The CHAIRMAN. I want to pass now from the leasing matter to some other matters. What is the condition on that reservation with reference to drinking among the Indians, Mr. Scott? Do you have much drunkenness?

Mr. SCOTT. We have very little drunkenness for a reservation of that size and location.

The CHAIRMAN. You are not troubled much by intoxication among the Indians?

Mr. SCOTT. Not a great deal.

The CHAIRMAN. Have you any prosecutions pending now that you know of?

Mr. SCOTT. Yes, sir; we have two or three men under bond.

The CHAIRMAN. What is the disposition of the Crow Indians with reference to drinking? Are many of them disposed to drink?

Mr. SCOTT. No; a very small proportion of them. I am much gratified to be able to say that there is less drunkenness among the Crows now than I have ever known, and I am satisfied that the reformation is due very largely to a sentiment worked up among the Indians themselves against it. There is quite a strong sentiment against drinking on the reservation, and the Indians have some pretty prompt measures to suppress it.

The CHAIRMAN. If it becomes general, you will have very little trouble with liquor, where the Indians themselves are opposed to it, or the greater number of them. As to the schools: What are the school facilities on that reservation?

Mr. SCOTT. The school facilities are greater than the demand.

The CHAIRMAN. What is the school population among the Crow Indians?

Mr. SCOTT. Something less than 300.

The CHAIRMAN. What schools have you?

Mr. SCOTT. We have two boarding schools maintained by the Government. There is one boarding school maintained by the Catholic mission, also one day school maintained by that mission; two day schools maintained by the Baptist Home Mission Society and one maintained by the American Missionary Society.

The CHAIRMAN. What is the number of pupils in each of those schools, approximately?

Mr. SCOTT. The boarding schools, each of them, have approximately 50 pupils. The day schools will run about from 20 to 30. We have quite a number of pupils in our reservation schools.

The CHAIRMAN. What is the total number in the schools on the reservation?

Mr. SCOTT. I could not say without figuring it up. I know just about the enrollment of each school. I have never figured it up exactly. [After a calculation.] We have an enrollment of about 267.

The CHAIRMAN. State, as briefly as you can, but as clearly as possible, what is taught in the boarding schools and the progress that is being made?

Mr. SCOTT. Instruction is given up to the sixth grade, following as closely as possible the course of study laid down by the State school board.

The CHAIRMAN. How high do they go in the boarding school?

Mr. SCOTT. To the sixth grade.

The CHAIRMAN. Do they teach agriculture there? Do you give any instruction in farming?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Any instruction in domestic science or housekeeping, or anything of that sort?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. How do the pupils take to those studies?

Mr. SCOTT. They are very apt. We keep them until they are 18 years of age. They are sent out to a nonreservation school, such as Carlisle.

The CHAIRMAN. How many pupils could you accommodate in the reservation schools, including the Catholic institutions?

Mr. SCOTT. About 400 pupils. That includes the capacity of the mission schools.

The CHAIRMAN. What are the general health conditions among the Crow Indians?

Mr. SCOTT. The health conditions are good, except that many of them are affected with tuberculosis, and trachoma is quite prevalent.

The CHAIRMAN. What percentage of them do you think have tuberculosis?

Mr. SCOTT. It is hard to say. A physician, a tuberculosis specialist, who was there three years ago, made the statement that he thought that 90 per cent were affected to some degree.

Senator TOWNSEND. Not with tuberculosis?

Mr. SCOTT. Yes, sir. In most of those cases the disease was only latent and the lesions were closed and the disease had apparently been overcome. My impression is that the percentage of those who have tuberculosis to a noticeable degree is rather small. Yet a tubercular test will disclose the fact that they have been or are subject to the disease.

The CHAIRMAN. What percentage have trachoma, if you know?

Mr. SCOTT. A small percentage; a very small percentage have it in a noticeable degree, but a great many more have the disease in an incipient form.

The CHAIRMAN. What medical facilities are you provided with on that reservation?

Mr. SCOTT. We have three physicians. One is located at the agency, having as his district the Little Bighorn Valley across the entire width of the reservation. Another is located at St. Xavier Mission, having the Bighorn Valley. The third is located down on the west end of the reservation, at the Prior boarding house or farm headquarters. That physician is also the district farmer.

The CHAIRMAN. What is being done on that reservation to prevent the spread of tuberculosis and trachoma? Have you any special facilities, any hospitals, or anything of that kind?

Mr. SCOTT. We have a hospital; yes.

The CHAIRMAN. Is that a school hospital or a reservation hospital?

Mr. SCOTT. Both. It is open to all; all members of the tribe.

The CHAIRMAN. How many patients attend it on an average?

Mr. SCOTT. Very few. We have in there, probably, on an average, three or four patients. Whenever we can get a tubercular patient in the advanced stages of the disease to come in and stay we provide him with a box tent for the purpose of having him near the physician

who can do what may be done for him and to isolate him and to prevent the spread of the disease, such as would result if you would live at home.

Representative STEPHENS. What is the capacity of the hospital?

Mr. SCOTT. We have a capacity of only half a dozen.

Representative STEPHENS. Do you have more than that on your hands at once?

Mr. SCOTT. Very seldom we have to turn anyone away. The Indians will not go to a hospital if they can help it. However, they are patronizing the hospital now more freely than ever before, and I have noticed a very decided tendency to come to the hospital in confinement cases.

Representative STEPHENS. What is the cost of this box-tent hospital that you speak of?

Mr. SCOTT. About \$30. We put a wood floor there and then box up the side, and we put in a stove and a few pieces of furniture; the object, of course, is to give them the benefit of all the fresh air possible. We think it is better for them and certainly better for others with whom they might come in contact, and keep them separated.

Representative STEPHENS. That hospital is at the agency, is it?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Do the Indian pupils attend the public school on that reservation?

Mr. SCOTT. Very few. The public-school authorities decline to admit them.

The CHAIRMAN. On the theory that they are not entitled to admission?

Mr. SCOTT. On the theory that they are not entitled to the privileges of the public schools. The Attorney General takes the ground that a pupil can not be an Indian and a white man at the same time, and that as long as they are members of the tribe they are Indians, and are not entitled to the privileges of the public schools.

The CHAIRMAN. Do any of the Indians pay a county school tax?

Mr. SCOTT. Yes; we have a few of what we call fee-patent Indians. Very few of them, however, have any property, any taxable property. They pay very little tax.

The CHAIRMAN. Notwithstanding they pay a school tax, they are barred from the schools; that is, their children are barred?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. And that is under the decision of your State officials in charge of the matter?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Are these same men voters and capable of holding office?

Mr. SCOTT. They would be; yes, sir. We have no voting precinct on the reservation.

Representative STEPHENS. But they would be entitled to vote?

Mr. SCOTT. They would be entitled to vote; yes, sir. That is, a certain portion of them.

The CHAIRMAN. Going back again, and perhaps for the last time, to the Heinrich lease, you said a while ago that you were instructed to make that on a lease form furnished by the bureau?

Mr. SCOTT. We were instructed to make out the lease on a form furnished by the bureau: yes, sir.

The CHAIRMAN. As a matter of fact, you did not make a lease at all; you made a grazing permit, did you not?

Mr. SCOTT. I can not recall.

The CHAIRMAN. Look at the instrument which I hand you, which is a part of the record in the files of the Bureau of Indian Affairs, and see whether that is the lease made November 8, 1912, to Heinrich, on lands on the Crow Reservation [handing paper to the witness].

Mr. SCOTT. This is a grazing permit. Yes, sir; that appears to be the instrument.

The CHAIRMAN. That was signed by you, as superintendent, and Heinrich?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. And you did not make it on the form that the commissioner instructed you to make it on, did you?

Mr. SCOTT. I am unable to say, but my recollection is that we did. I know the instrument was forwarded to the office and approved by them.

The CHAIRMAN. You were sure, when I first asked you about it, that it was a lease and not a permit, were you not?

Mr. SCOTT. It is very hard to remember. We have half a dozen of those leases or permits.

The CHAIRMAN. How do you know whether the others are leases or permits?

Mr. SCOTT. I do not know.

The CHAIRMAN. You do not know, do you?

Mr. SCOTT. No, sir. As I say, I think in effect there is no difference, the effect of the lease being governed by the terms of the contract; or, in the case of a permit, the same thing.

Senator LANE. What date does that begin?

The CHAIRMAN. It was executed November 8, 1912, and took effect February 1, 1913, and expires February 1, 1916.

Senator LANE. There was some complaint about the date being changed to the worst time of the year for a new lessee to move his cattle on, in the midwinter when he could not drive and have range grass; and it would also be a bad time for the old lessee to get out. There was some complaint handed in that it effectually prevented any new man from making a bid, that he could not get there in midwinter with 20,000 head of cattle; that it is a hard game.

Mr. SCOTT. May I say that no one would think of stocking a range out there at that time of the year; but having the lease take effect at that time, they can make their preparations to put their stock on in May, early in May, as we expect to do next year.

Senator LANE. It is claimed also that the holder of the lease, being already there, would claim that it was unjust to make him get off on the 1st of February, and that the new lessee would be paying rent for land which the old lessee would be using. One could not get off and the other could not get on. You would have a kind of a plea in equity, for the man already there to remain longer and continue indefinitely, for the reason that you are asking him to do an impossible thing under the terms of that lease.

Senator TOWNSEND. How did it happen to be on that date?

Mr. SCOTT. I do not know.

The CHAIRMAN. Who did fix the date?

Mr. SCOTT. It was fixed in the Indian Office.

Senator LANE. Was it not on your recommendation?

Mr. SCOTT. No, sir; it was not.

Senator LANE. Were there any complaints made to you about it by cattlemen?

Mr. SCOTT. The lessees themselves have made complaint on the ground that you state: that they could not get out there that time of the year. I think the complaint is not well taken, for the fact that they will know several months ahead whether they are going to have the lease again, and they can make their arrangements accordingly.

The CHAIRMAN. When did the old lease expire, Mr. Scott?

Senator LANE. About July, was it not, or June 1?

Mr. SCOTT. No, sir; my impression is that the old lease expired the same time, and that other leases were made to expire on February 1, so that all would take effect and expire simultaneously.

Senator LANE. July 1?

Mr. SCOTT. I am not familiar with it.

Senator LANE. Mrs. Grey says she can explain, if you want to hear it.

The CHAIRMAN. Certainly.

Mrs. GREY. The change was made after the hearing here in Congress. The amounts were raised, and instead of letting them in July, it was changed from July to February. There was only one which they extended for seven months for less than they had been doing before.

The CHAIRMAN. I see here a lease in the files, commencing July 1, 1911, and expiring January 31, 1914.

Mr. SCOTT. The present lease on Range No. 3 was made for two years and seven months.

The CHAIRMAN. Why?

Mr. SCOTT. In order to make it expire with the others.

The CHAIRMAN. What is the benefit of having them expire at that time of year?

Mr. SCOTT. What was the object in doing that? I am unable to say, sir.

The CHAIRMAN. You had nothing to do with that?

Mr. SCOTT. I had nothing to do with that.

The CHAIRMAN. That was pursuant to a policy established in the office, I take it, from your statement?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Under the terms of the Heinrich lease in force—that is, the one that is now in force—I find the following:

A minimum average number of 1,500 head of cattle with the privilege of increasing this number to a maximum of 1,800 head for a period of three years from February 1, 1913, to February 1, 1916, at the rate of \$2.25 per head per annum, etc.

Senator LANE. Is that hundred or thousand head?

The CHAIRMAN. One thousand and eight hundred in this particular lease.

Mr. SCOTT. That is range No. 6.

The CHAIRMAN. I also find this provision in the lease relating to the application of the lessee, or permittee, rather:

Ask no credit or rebate in case the full number of stock is not grazed under this permit; but if the number is exceeded, without previous authority therefor, the permittee agrees and shall be required to pay, in addition to the regular charge as provided in the permit, a penalty equal to 25 per centum thereof for such excess of stock, and to pay for calves—

And so forth.

Have you collected anything from these lessees on account of their running a number in excess of the number authorized by the lease?

Mr. SCOTT. No, sir; we have not.

The CHAIRMAN. The stipulations in the permit are not the same as those in the lease, are they?

Mr. SCOTT. There is some difference in the form, I believe.

The CHAIRMAN. Can you say why the permit form was used instead of the lease form after you were instructed to make it on the lease form?

Mr. SCOTT. The impression I have is that that form was used, having in view the probable necessity of canceling the lease as to part, or possibly as to the whole, of the range. I am satisfied that that followed the instruction of the office as to the blank form upon which that lease was written.

Senator LANE. I think I remember your having written in for instructions, or your having had some correspondence about it.

Mr. SCOTT. There was some correspondence. I did not personally draw the lease. It was drawn by the office.

Senator LANE. I think you recommended it for some reason or other; I do not know what it was.

Representative STEPHENS. I would like to ask if you can furnish the commission with the record of the instructions you had from the department?

Senator TOWNSEND. They are on file with the department.

Representative STEPHENS. Could you furnish them?

Mr. SCOTT. I could, so far as they are shown on our records—my correspondence with the office?

Representative STEPHENS. Yes. Did they furnish you with a statement of what they should put in that permit or lease?

Mr. SCOTT. They instructed us generally as to the terms of the contract. We drew up the lease, following as nearly as possible the instructions received, and submitted it to the office for approval. The lease was not binding at all; it was not complete until approved by the Secretary of the Interior.

Representative STEPHENS. And they approved your work?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. You were instructed to take that lease to Heinrich, which was made for something over \$3,000. Your instructions from the department, as appear from your letter of November 8, 1912, were to take it for not less than \$8,000. It appears from the same letter that you said:

After a full investigation, it was determined that this district could not carry the amount of stock contemplated. The error was made by including in the acreage estimate all the allotted land. In that district, deducting this amount, we have an acreage of only 30,000 acres. There are, moreover, a large number of Indian cattle whose range is in that district, and it is found the usual estimate of 20 acres to each animal will be the maximum number which

would be placed on the range. This range was leased at one time for \$8,000 to Mr. Edwards, and he found it impracticable to run a sufficient amount of stock to justify the payment of that amount, and arranged with Spear Bros. Cattle Co. and Mr. Heinrich to take the lease off his hands. Both Spear Bros. and Heinrich assert that they have lost money on the range, and do not feel that they can take it at the minimum mentioned.

So that that lease was made for a great deal less than it had been leased to Edwards, for the reasons which you have stated?

Mr. SCOTT. Yes, sir; that was a correct statement of the case. I wrote that letter personally.

The CHAIRMAN. The amount of the lease is governed by the number of cattle that are on it; is that true? It is so much per head?

Mr. SCOTT. Sometimes it is computed on a head basis and sometimes in a lump sum for a given range.

The CHAIRMAN. As a matter of fact, in all of these leases that are now in force, the Spear Bros.' lease and the Heinrich lease, is it not true that it is stipulated that the rate shall be, in the Spear lease, \$2.57 per head per annum for each and every head of cattle grazed on district No. 2, and in the Heinrich lease, for grazing district No. 6, at the rate of \$2 per head per annum for each and every head of cattle grazed on said district No. 5 in excess of the maximum number stated above. There seems to be a discrepancy there in the number of the district.

Mr. SCOTT. No. 5 is the Heinrich district. It is known as the ID range also.

Senator LANE. Why is it called "ID"?

Mr. SCOTT. Indian Department.

The CHAIRMAN. If it is true that these lessees have been running under their leases a number of cattle far in excess of the number which they contracted to run, they should pay, in addition to the amount that they are paying, a stipulated sum per head for the excess number. Is not that true?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. I want to ask you if you know, or whether it has been reported to you by any of your employees, that they are running a number of stock in excess of the lease?

Mr. SCOTT. No, sir. As I stated a while ago, we have a record, which is as nearly correct as we can possibly make it, of the number of cattle brought in and shipped off from each range. In addition to that, we have the sworn statement of the cattle firms as to the number they have run. The practice is to allow them to pay their stipulated sum, assuming that there has been no overstocking, the first payment; then, at the end of the year, if their sworn statement and our records show that the number has been exceeded, then they are to pay the excess.

Representative STEPHENS. You say that the cattle are brought in and you have a chance to number them. Do you actually number them when they are brought into the range and shipped off?

Mr. SCOTT. They are shipped in. We know the numbers; yes.

Representative STEPHENS. How do you know that?

Mr. SCOTT. We have a man to watch the unloading. He counts the cars, and knows how many cattle are in a car.

Representative STEPHENS. So when they are shipped in or shipped out you count the cars, and you know the number of cattle coming

in and going out of the range, and your records do not disclose at any time an excess in the amount named in the lease?

Mr. SCOTT. Not on an average.

Senator LANE. Do they ever come in in any other way than by train? Do they ever drive them on foot?

Mr. SCOTT. No, sir.

Senator LANE. None at all?

Mr. SCOTT. I think not.

Representative CARTER. Does the railroad run into the pasture?

Mr. SCOTT. Yes, sir.

Representative CARTER. They are unloaded in the pens, right inside of the pasture?

Mr. SCOTT. Yes, sir. The railroad track is practically the dividing line between the Spear and the Heinrich leases.

Representative CARTER. And they have a station there and cattle pens, where they unload them?

Mr. SCOTT. They have a number of stations.

Representative CARTER. Do you have a man to watch each one of these stations?

Mr. SCOTT. Yes. They seldom unload at more than one point in one day. When it happens that they are unloading at different points we have different men to go and supervise the work.

Senator LANE. Do they notify you when the cattle are coming?

Mr. SCOTT. Yes, sir.

Senator LANE. That is the way you ascertain?

Mr. SCOTT. We have such an agreement, and also with the railroad company, to notify us when cattle are loaded or unloaded.

Senator TOWNSEND. Have there been any payments made, to your knowledge, to the Government for excess stocking there?

Mr. SCOTT. Not to my knowledge.

The CHAIRMAN. It would be collected through your office, would it not?

Mr. SCOTT. Yes, sir. What I mean is that there has never been an excess payment so far as I know. I know there has not during my administration.

The CHAIRMAN. It is clear that the only reason for the Government's putting in those leases or permits the minimum number to be run is so that the total amount that shall be paid under the lease shall not be less than what they think the smallest amount should be for which the area should be leased. That is the reason for the minimum number of cattle. I find from the department letter to you, of date July 13, 1912, that you were instructed as follows:

On district No. 2 the same company offers \$2.57 per head for average number of cattle grazed, and requests that the minimum be reduced to 8211 head, and the maximum to 9211 head, as opposed to 10,000 minimum and 11,000 maximum, which is now the estimated capacity of this district. It is recommended that the bid be accepted and the reduction made as requested.

If that area, district No. 2, had been leased pursuant to these directions, it could not have brought less than \$16,422. What was it actually leased for?

Mr. SCOTT. I do not remember the figures.

The CHAIRMAN. As a matter of fact, it was leased for less than—

Mr. SCOTT. Now, let me say that there is always a great deal of sparring and bargaining at the time these contracts are made. We

endeavor to get everything possible out of them. The lessee, of course, tries to make the most favorable bargain he can, and in every case there is more or less correspondence and suggestions of changes that should be made in the specifications.

The CHAIRMAN. Do you know what they are actually paying? Are they paying any more than the minimum?

Mr. SCOTT. No, sir.

The CHAIRMAN. They never have paid any more than the minimum?

Mr. SCOTT. No, sir.

The CHAIRMAN. So, as a matter of actual practice, the minimum number governs the amount of the runs, no matter how many of them actually run?

Mr. SCOTT. In case the statements and the records at the end of this year show that they have run more than their allowance, then they will pay more. It is understood that the number to be paid for is the yearly average. We can not get at that until the close of the year. Consequently, they are allowed to pay their minimum, the first payment, that is, at the beginning of the year. They pay six months in advance, and then the adjustment has to be made with the second payment, which is now due within a few days.

The CHAIRMAN. As a matter of fact, are the adjustments always based upon the average number or the minimum number?

Mr. SCOTT. The adjustment will be made on the average number. It will be made, as I say, at the end of the year.

The CHAIRMAN. On the average number?

Mr. SCOTT. On the average number for a run during the year.

The CHAIRMAN. So that if they have, as a matter of fact, run a little more than the average number, or a great many more than the average number, your office has no knowledge of it, and you only collect the average number?

Mr. SCOTT. At the end of the year?

The CHAIRMAN. Yes.

Mr. SCOTT. But we will have knowledge of it.

The CHAIRMAN. How do you know you will?

Mr. SCOTT. Because we keep a record of the cattle that are brought in and those that are taken out. We have that record, and it is supplemented by the sworn statement of the lessee. We can not go very far wrong.

The CHAIRMAN. Not unless he wished to lie about it.

Mr. SCOTT. They must bring their cattle in by rail. There are no markets in the immediate neighborhood.

The CHAIRMAN. As a matter of fact, you take their representation as to what they bring in, do you not? You do not go down to the pens and count the stock?

Mr. SCOTT. We do not count the stock; we count the cars.

The CHAIRMAN. You count the cars?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. Supposing your records disagreed. Do they ever disagree?

Mr. SCOTT. I do not remember that there has been any disagreement to amount to anything.

The CHAIRMAN. As a matter of fact, do you not rely on them to furnish you with the information as to how many cattle they bring in?

Mr. SCOTT. No, sir.

The CHAIRMAN. You do not undertake to check them up, do you?

Mr. SCOTT. We do, absolutely.

Representative CARTER. You say you do not remember whether your records disagree or not?

Mr. SCOTT. So far as I know, they do not.

Representative CARTER. Do you not think you would probably remember it if they did disagree?

Mr. SCOTT. I think I would. If our record showed that they had brought in a greater number than they were allowed to run, then we would require either proof that our record was wrong, or payment for the excess number.

Representative CARTER. Has that ever been done?

Mr. SCOTT. No, sir. We have never required them to pay anything, and our records have never shown that they had more cattle than they were entitled to.

Representative CARTER. That is where we wanted to get a positive statement, and your answer was that you did not remember.

Mr. SCOTT. What I mean, sir, is that there may be a small difference. For instance, a car may contain from 16 to 20 animals, owing to the size of the stock.

Representative STEPHENS. Owing to the length of the car, too?

Mr. SCOTT. The cars are generally the same size, but the difference in the number would be so small as to be almost immaterial, and they would probably not change the total.

Representative STEPHENS. I want to find out how you make your records. Tell us, Mr. Scott, how you make up these records.

Mr. SCOTT. The superintendent of live stock meets every train that comes in—every stock train. He counts—

Senator LANE. How far is that from the reservation, before you get any further?

Mr. SCOTT. There are several loading pens extending nearly across the reservation, probably 15 or 20 miles apart.

Representative CARTER. How far is the farthest one from the office in which the superintendent of live stock has his office? He has his office at the agency?

Mr. SCOTT. Yes, sir.

Representative CARTER. How far is the farthest loading station from the agency?

Mr. SCOTT. They usuall yload no farther south than the Little Horn loading station.

Representative CARTER. How far is that?

Representative CARTER. About 30 miles south of the agency.

Representative CARTER. How far is the farthest one?

Mr. SCOTT. That is the farthest one.

Representative CARTER. There is no other beyond that?

Mr. SCOTT. There is no other on the reservation that is ever used.

Representative CARTER. Do they ever unload off the reservation, beyond that?

Mr. SCOTT. No, sir; they do not.

Representative CARTER. Go ahead and tell us about it.

Mr. SCOTT. They do not unload and drive on to the reservation. Then we have the farthest loading pen in the other direction to the north. It is 12 miles north of the agency.

Representative CARTER. How many loading pens are there?

Mr. SCOTT. There are six.

Representative CARTER. Your live stock agent goes to the pen when they unload and he puts that number down on a book, does he not?

Mr. SCOTT. Yes, sir.

Representative CARTER. What is the next thing he does then?

Mr. SCOTT. He makes a written report to the office of the number of cattle unloaded, the date, and by whom, and the point where unloaded.

Representative CARTER. And the pasture they go into?

Mr. SCOTT. Yes, sir.

Representative STEPHENS. Are they required to inspect them to see whether they have ticks on them or not, in order to avoid the Texas fever?

Mr. SCOTT. They have to stand an inspection by the State officer before they are shipped.

Representative CARTER. Do you transfer that to another record in your office, or do you keep that as the record?

Mr. SCOTT. We transfer that to another record.

Representative CARTER. And do you report that to the Commissioner of Indian Affairs or is that the end of the report?

Mr. SCOTT. That is the end of the report.

Representative CARTER. You use about the same process as regards cattle going out?

Mr. SCOTT. Exactly.

Senator LANE. Do you make a report in any other way as to the number in and out of those cattle to the department?

Mr. SCOTT. We do at the end of the year. We will make a report in case it shows an excess.

Senator LANE. Otherwise, no report?

Mr. SCOTT. Otherwise we do not.

Senator LANE. You say nothing more about it?

Mr. SCOTT. No, sir.

Representative CARTER. Do you keep these records also for cattle in pastures where you have a lump sum required?

Mr. SCOTT. Yes, sir; we keep a record of all cattle received on the reservation and of all cattle shipped off of it.

Representative CARTER. No matter whether the pastures are rented by the head or by a lump sum?

Mr. SCOTT. Yes, sir.

Representative CARTER. Then you ought to be able to tell from your records exactly whether the pastures have been overstocked or not?

Mr. SCOTT. We can.

Senator TOWNSEND. Do you keep any track of the calves born?

Mr. SCOTT. No, sir.

Senator TOWNSEND. For instance, here is a three-year lease——

Mr. SCOTT. No, sir; we can not do that.

Senator TOWNSEND. Is not the herd increased materially by the birth of calves?

Mr. SCOTT. On the Heinrich lease the herd is increasing. He depends on the increase rather than buying and shipping in. Spear Bros. do not. They ship out close every fall and restock in the spring.

Senator TOWNSEND. How do you find out how many cattle there are on a range where they depend upon the natural increase for the supply of cattle?

Mr. SCOTT. We have what is called a branding round-up every spring. That round-up is made by the cattlemen, who start out wagons and they brand all calves. With each wagon we have a representative, an Indian, who goes along, sometimes two or three of them, who go along with the wagon to see that the branding is honestly done, and to see that no Indian calves are branded, and to make a tally of the number of animals branded.

Senator LANE. Is he an employee of the agency, this Indian?

Mr. SCOTT. A temporary employee.

Senator LANE. Do you furnish him an outfit, grub, and everything?

Mr. SCOTT. We furnish him—no; we pay him a certain per diem or monthly salary. He furnishes his own outfit.

Senator LANE. He does not go along as a guest of the company, or anything of that kind, does he?

Mr. SCOTT. I do not know about that.

Senator LANE. Did you ever inquire to see?

Mr. SCOTT. He is naturally with the wagon.

Senator LANE. As a matter of fact, he is their guest, as far as his provisions are concerned?

Mr. SCOTT. I presume in actual practice he pays a round-up rent.

Representative STEPHENS. Is it not a fact that all of these leases are made, with the exception of the one that is separated by the railroad track, and there is nothing to prevent the cattle from ranging from one part of the range to the other and the cattle mixing together?

Mr. SCOTT. The railroad track is fenced on both sides.

Representative STEPHENS. How many of these leases run together as a common pasture? Are any of them separated except by this railroad fence?

Mr. SCOTT. Well, the Bighorn River separates the I. D. range from ranges 4 and 5. Ranges 4 and 5 are separated by a fence that has been there for many years.

Representative STEPHENS. Then they are all practically separated?

Mr. SCOTT. Yes, sir; they are practically separated. Ranges 1 and 2 are not separated, except by a fence that was built by the lessees themselves; and that is another illustration of the value of the fence that we are building. Those people have built at their own cost and knowing that as soon as their lease expires, as soon as they leave the range, they must either take the fence up or leave it there and be out the cost of it; but they conclude that the fence is worth what it will cost them for such time as they may stay there. It is exactly the same proposition that we are putting in now on the ID range.

Senator LANE. I want to ask you about these calves that the Senator was speaking of. There are very many calves which were, of course, branded, and you count them in; then you tally them again when they are shipped off?

Mr. SCOTT. Yes, sir.

Senator LANE. And the same with the cattle?

Mr. SCOTT. Yes, sir.

Senator LANE. In this way you know the number that there is on the range; that is, the number shipped out and the number branded. There is a chance in there, is there not, for quite a number of cattle being on the reservation that are not accounted for?

Mr. SCOTT. Yes, sir; that reservation is a very large one. It embraces a great deal of country, some of it very rough; in fact, there is a part of that reservation that never has been explored, and an actual count by our employees would be a physical impossibility.

Representative STEPHENS. Is it not a fact that the owners of the cattle object to their being rounded up?

Mr. SCOTT. They certainly would.

Representative STEPHENS. I know I would. I have had some experience along those lines.

Representative CARTER. If you kept track of those calves, by this Indian with the chuck wagon, would not that give you an accurate count?

Mr. SCOTT. I think so.

Representative CARTER. But you do not do that?

Mr. SCOTT. We do it; yes.

Representative CARTER. You keep track of every calf that is branded?

Mr. SCOTT. Of everything that is branded. Our representative—we call him a "rep"—makes a return of everything that is branded. They also make a return of all the Indian cattle that are taken in. The Indian cattle are gathered, naturally, with the others.

Representative CARTER. How many pastures have you for stock cattle?

Mr. SCOTT. The Heinrich lease is the only one that is devoted exclusively to stock raising, as against mere handling of stock.

Representative CARTER. The others are more for fattening and steer cattle raising?

Mr. SCOTT. Yes, sir.

Representative CARTER. Do all of the others have stock cattle?

Mr. SCOTT. They all have more or less; but the Spear brothers, who are the largest operators in that part of the country, give their attention principally to merely buying and selling. They do not depend on the increase of their herds.

Senator LANE. These Indians that go out and represent you on these round-ups, do they help the other boys and work along with them?

Mr. SCOTT. If they are so disposed; yes, sir. They generally do take a hand in it.

Senator TOWNSEND. Under the leasing provision, is not the lessee obliged, or obligated, rather, to pay for this expense?

Mr. SCOTT. No, sir; he is obligated to do the work.

Senator TOWNSEND. If he is obligated to do the work, why does the Government pay these men for doing the work?

Mr. SCOTT. To satisfy us and the Indians that the work is honestly done—merely a supervision.

Senator TOWNSEND. I would construe the provision in there that the lessee was to do the work, the work that was necessary for the Government's benefit, and that that meant that he was obliged to

pay for doing the work, and that the Government was selecting the men to represent it in that matter.

Mr. SCOTT. We have our own representatives there, Senator, for our own satisfaction. The lessee does not ask us to put them there. He will do the work and ask no help from us; but we put our representatives there to see that the work is properly done.

Senator LANE. The fact is, you furnish him a hand?

Mr. SCOTT. Sometimes they work and sometimes they do not.

Senator LANE. As a matter of fact, they most all do?

Mr. SCOTT. They generally do more or less work. They take a pride in their skill in that work, and would rather do it than not. They are not hired, however, to help do the work.

Representative STEPHENS. Is it not a fact that there are some Indian cattle with these cattle?

Mr. SCOTT. Yes, sir; certainly there is.

Senator LANE. The Indians have about 1,500 cattle, altogether?

Mr. SCOTT. Yes, sir.

Senator LANE. There would not be a great many, then?

Mr. SCOTT. Not a great many.

Representative CARTER. Are those Indian cattle branded right along with the others?

Mr. SCOTT. Yes, sir.

Representative CARTER. So that the Indian does his work on the old plan of the cowman, in addition to watching the interests of the Government, because, working on the old plan of a cowman and being a man from another ranch, working with a chuck wagon, to brand these cattle, he sees that the Indian cattle are branded?

Mr. SCOTT. Yes, sir. The Indians insist that he be given the work. They want to see it done, and we want them to see it done. We want them to look after their own interests to that extent. He sees that the Indian cattle are branded right along with the others.

Representative CARTER. So that he really could not be considered a hand at a white man's chuck wagon any more than he could in the employ of the Indians branding their cattle?

Mr. SCOTT. Any work that our representative does there is gratuitous.

Representative CARTER. I understand that.

Mr. SCOTT. I want to say to you gentlemen that I have only been on that reservation three and a half years. Naturally, we learn by experience. We are each year getting the work better systematized. We are getting a more thorough organization and are handling the work much more to our own satisfaction each season.

Senator LANE. Are there two men to each wagon?

Mr. SCOTT. Sometimes there are one and sometimes two.

Senator LANE. The average would be about one and a half, would it? It must be.

Mr. SCOTT. It depends, sir, on the locality in which the wagon is working. If it is in a locality where there are a great many cattle, we have two. If only a few are being gathered, we have one man.

The CHAIRMAN. How many Indians are residing within the ID range?

Mr. SCOTT. I should say two-thirds of the tribe. That is merely an estimate.

The CHAIRMAN. Do you know of a protest that was sent to the department under date of February 25, 1913, signed by a large number of Indians, asking the revocation of the Heinrich lease and asking that the ID range be reserved for them?

Mr. SCOTT. I do not remember such a request; no, sir. And I want to say, as to petitions and remonstrances and papers of that kind coming from the Indians, that any Indian can go to another Indian and get him to sign just about what he pleases.

The CHAIRMAN. Is that any more true of an Indian than it is of a white man?

Mr. SCOTT. Yes, sir; it is. The Crows are, as I have said before, one great family. They will not refuse a request. It is almost impossible for one Indian to refuse the request of another. I have had them hold councils in our office. Some man would make a proposition to which they would all agree. Then, as soon as it was over, a number of them would come into my office and want me to turn it over. I asked them why they did not vote against it at the time, and they said, "Oh, we did not want to do it then."

Senator LANE. That is true in signing treaties, just as it is in signing petitions and protests?

Mr. SCOTT. That is true; yes, sir.

Senator LANE. It works both ways.

The CHAIRMAN. I have a communication here, under date of February 25, 1913, purporting to be signed by 106 Indians, setting up that the Heinrich lease covers all of their farming lands as well as their grazing lands, alleging also that this area known as the ID range had been set aside as grazing land for the Indians, and asking the Government to purchase a herd of cattle for them and let them use this range for that herd and for their own benefit. This petition appears to be signed by 106 Indians.

Mr. SCOTT. All those names are the names of Indians who live in one district only—the large grass district.

The CHAIRMAN. Is it a fact that their farming lands are leased?

Mr. SCOTT. No, sir; it is not. Their farming lands are fenced, almost without exception. The department is bound as guardian of these Indians to make the most out of their property. It would be foolish for them to set aside that entire ID range for the use of the Indians when they only need about one-half of it and when they can lease the remainder for a substantial sum.

Senator LANE. I want to ask you, Mr. Scott, right there, if you are a judge of the matter—and you must be—if you consider 10 cents an acre or 12½ cents an acre, at the outside, as a substantial return to these Indians for the use of the land. I know some that do not pay that much.

Mr. SCOTT. It is along the average.

Senator LANE. I think you are very much mistaken about that. I have a report from the Forestry Department to a different effect. I did not think to bring it to-night; but it seems to be a very, very small sum of money for the use of an acre of land.

Representative CARTER. How many acres of this land does it take to pasture a 4-year-old steer?

Mr. SCOTT. Thirty acres.

Senator TOWNSEND. Is not some of the land included in this pasturage irrigated land?

Mr. SCOTT. No, sir.

Senator TOWNSEND. None of that?

Mr. SCOTT. None of it.

Representative STEPHENS. How do you know that the number of cattle are not on the range that is claimed here for these different ranges? Is it not a fact that it would be impossible to count these cattle by riding over the range, without rounding them up and without having a man stationed and letting the cattle pass and having him count them? Is not that they way that the cattleman knows the number of cattle on the range?

Mr. SCOTT. He gathers these cattle and holds them in a herd, a close herd, until they are branded and turned out. Then they pass on. They pass over the country, picking up the cattle as they go and branding them and leaving them behind. It would be equally impossible for anyone, without making some count or without having some record, to say that we have four or five times as many cattle on that range as are supposed to be there.

Representative STEPHENS. Could these cattle be rounded up and counted without you or some of your employees knowing it?

Mr. SCOTT. They could not.

The CHAIRMAN. I want to direct your attention to another matter that has not been mentioned. There is an apparent discrepancy of \$156.56 in your account and the miller's account as to the flour ground at the mill. Who is your miller there?

Mr. SCOTT. The present miller is Mr. Mitchell.

The CHAIRMAN. How long has he been there?

Mr. SCOTT. He has been there about three months.

The CHAIRMAN. It appears that he reported to you, under date of July 13, 1913:

Grinding 645,960 pounds of flour for traders, lessees, and others, at 30 cents per hundred, \$1,937.90.

It appears from your report to the department that you reported by quarters an aggregate sum of \$1,781.34. Has your attention been called to that?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. How does that arise?

Mr. SCOTT. That arose from the fact that we grind for the Indians and we sell their product for them and turn over the money to them.

The CHAIRMAN. I do not understand that.

Mr. SCOTT. We grind for the Indians, and the account is kept by our property clerk, and I took the matter up with him at the time, and he explained it to my satisfaction at the time. I have forgotten just the transaction.

The CHAIRMAN. I find this item in the same memorandum; that is, the property clerk's communication to you, under date of July 13, 1913:

Grinding 273,129 pounds of wheat for Indians free, computed at 30 cents per hundredweight, \$819.39.

In the other item, which he makes \$1,937.90, it does not appear that any grinding was done for Indians. It appears that this grinding was done for lessees, traders, and others. Your report shows a

total of \$1,781.34, which is a difference between the amount he reported to you and the amount you reported to the department of \$156.56. I am trying to find out how that discrepancy occurred.

Mr. SCOTT. I went over that with Mr. Harris, and afterwards took it to the property clerk and the cashier who handled the matter, and they explained it to my satisfaction. I have forgotten the exact details of the transaction.

The CHAIRMAN. You do not know now which is correct?

Mr. SCOTT. The statement as reported to the office was correct.

The CHAIRMAN. To which office?

Mr. SCOTT. To the Indian Office.

The CHAIRMAN. The statement you made is correct and the statement that the property clerk made was incorrect?

Mr. SCOTT. The property clerk in accounting in some way for work done for the Indians and for flour sold for them—I do not remember the details of the transaction. It is a thing that I did not handle personally, and while I investigated the matter when Mr. Harris called my attention to it, I do not remember just how it came about. The property clerk has been there for many years, and I consider him entirely competent.

The CHAIRMAN. Whose mistake did you find it to be—the property clerk's or the miller's?

Mr. SCOTT. The property clerk's. It could hardly be called a mistake.

The CHAIRMAN. The two items ought to balance.

Mr. SCOTT. It was a wrong showing between the property clerk and the cashier.

Senator LANE. Did you make a report balancing it later?

Mr. SCOTT. It was correctly balanced at the time.

Senator LANE. But the statements do not balance. You made an explanation afterwards, so that it would be satisfactory to the department?

Mr. SCOTT. The department never called on us for any explanation at all.

The CHAIRMAN. The department never saw the property clerk's report to him; they only had his report to them.

In the thrashing season, did you have a thrasher for the use of the Indians? Do you own a thrasher or do the Indians own a thrasher?

Mr. SCOTT. We have several thrasher outfits; yes, sir.

The CHAIRMAN. To whom do they belong?

Mr. SCOTT. They belong to the Indians, having been purchased by Indian money.

The CHAIRMAN. They are kept at the agency for the use of the Indians?

Mr. SCOTT. One is kept at the agency and others at different points on the reservation.

The CHAIRMAN. Do you rent it or hire it out to white men?

Mr. SCOTT. We thrash for white lessees.

The CHAIRMAN. How much of that did you do last year?

Mr. SCOTT. Not a great deal.

The CHAIRMAN. Were you thrashing for them at the time the Indians needed it and wanted to use the thrasher?

Mr. SCOTT. No, sir; we were not.

The CHAIRMAN. Did they not complain to you about that?

Mr. SCOTT. No, sir; I complained to them because I could not get them to come and do their own thrashing.

The CHAIRMAN. Do you have an agency farm there?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. A school farm?

Mr. SCOTT. That is, we have ground cultivated by agency employees; also what we call a school farm.

The CHAIRMAN. How much did you cultivate last year on those two farms?

Mr. SCOTT. Well, there is some of it in hay, some of it is in grain—

The CHAIRMAN. How much did you cultivate in all?

Mr. SCOTT. In the neighborhood of a hundred acres.

The CHAIRMAN. Have you not a more definite idea about it than that? How much hay did you have in?

Mr. SCOTT. I do not remember the figures.

The CHAIRMAN. How much hay did you make?

Senator LANE. How many tons did you cut last year?

The CHAIRMAN. I thought I would find out how much he made and whether he cut it or not.

Mr. SCOTT. I cut the hay. Some of it is alfalfa; in fact, all the hay that is grown on the farm is alfalfa. We cut that hay whenever it is ready to cut. Sometimes we get two cuttings, sometimes three. We stack it for the use of the school, and the product of the school farm is stacked and fed out to the school stock. The same way with the agency.

The CHAIRMAN. Do you not keep any count of what you are growing on that farm, so that Congress may know whether we are wasting money in keeping you running the farm? Do you not think we ought to know something about that?

Mr. SCOTT. I make an annual report.

The CHAIRMAN. Now tell me, how much did you grow on the farm last year?

Mr. SCOTT. I do not remember.

The CHAIRMAN. You have information as to just exactly what you grew?

Mr. SCOTT. Yes, sir. The exact number of bushels of grain, tons of hay raised; also the number of bushels of potatoes grown and dug, and the value.

The CHAIRMAN. Have you not an idea about the acreage that you had in these respective crops?

Senator LANE. What does alfalfa run, on an average per year, per cut?

Mr. SCOTT. Two and a half to three tons.

The CHAIRMAN. Do you sell anything off the farm?

Mr. SCOTT. No, sir; we use it.

The CHAIRMAN. Do you keep any account of that, any book account of that farm proceeding, so that the department may know and Congress may know how you are getting along with it, and whether it is a desirable enterprise?

Mr. SCOTT. We have a report made by the school farmer, by the agency farmer, and that report is included in our annual report to the commissioner. That report consists of some hundred thousand questions asked by the department. It is a tremendous job to get it up.

The CHAIRMAN. Do they not ask the question, how much in hay, how much in corn, how much in potatoes, and so on?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. How far were those crops from your agency?

Mr. SCOTT. They were in the immediate vicinity.

The CHAIRMAN. Did you not take enough interest in that enterprise, the demonstration of that work to the school there, to know approximately what was going on on the farm?

Mr. SCOTT. I knew all about what was going on. I was right there.

The CHAIRMAN. You have forgotten it?

Mr. SCOTT. I have forgotten the number of bushels and the number of tons of hay. I can not say at all, at this time. The fields are irregular. We have never had occasion to measure them exactly to know just what was in them.

The CHAIRMAN. How many employees did you have working there? How many did you work, if any, on those crops?

Mr. SCOTT. We have what we call a yard force of three or four men who are at work around the plant.

The CHAIRMAN. I am not talking about the plant at all, but about the crops. I want to find out something about the crops. If I understand it, you are running in that school, in the neighborhood of that agency, what is in the nature of a demonstration farm.

Mr. SCOTT. Yes; we had employees there.

The CHAIRMAN. They are for the purpose of teaching these Indians, not alone those at the school, but those who come in off the reservation, how to farm. I want to know whether your service is worth anything to the Indians or not, and I want you to tell something about what you are doing there. What is it that you intend to do? What are your plans for next year?

Mr. SCOTT. That farm work is done by that agency force. They will work when they can spare the time, and where the work has to be done, they will go out there and do it.

Representative CARTER. If that were your own farm, do you not think that you would know approximately how many acres there are and how many acres had been planted and what it amounted to, how much had been raised, and how much each crop had amounted to? Do you think that if that were your farm you would know that?

Mr. SCOTT. Oh, yes.

Representative CARTER. Do you not think that the obligation you took as superintendent of the agency imposed upon you the supervision of that matter the same as if it was your own?

Mr. SCOTT. I do know that, sir.

Representative CARTER. The Senator has asked you to approximate.

Mr. SCOTT. I can approximate it.

Representative CARTER. That is the last question he asked you.

The CHAIRMAN. Now, tell me about how many acres you had in corn, peas, hay, and potatoes, and what demonstrations you would make there to these Indians?

Mr. SCOTT. We had on the school farm about—probably 30 to 35 acres in alfalfa. We had a garden plat of 5 to 8 acres; probably half of that was in potatoes, the balance in different vegetables. We had one field of 15 or 20 acres in oats on the agency farm. We have some land there that is used for pasturage.

The CHAIRMAN. How much?

Mr. SCOTT. Fifty or sixty acres.

The CHAIRMAN. Tell me about what amount of those products you raised last year.

Mr. SCOTT. I would say we had in the neighborhood of—we got perhaps 75 tons of alfalfa. We pastured some of it. We only make two cuttings this year. We grew potatoes enough to last the school for one year.

The CHAIRMAN. About how many?

Mr. SCOTT. Oh, we had six or seven hundred bushels.

The CHAIRMAN. If you can not approximate the amount, how do you know you grew enough to last you a year? It has not been a year since you gathered the crop.

Mr. SCOTT. We knew that much. We have it in stock, and we know.

The CHAIRMAN. If you have it in stock, you must have first decided how much it was going to take.

Mr. SCOTT. We did; but I have forgotten the exact figures—several hundred bushels.

Senator LANE. How many people have you at the agency school?

Mr. SCOTT. Fifty pupils.

Senator LANE. What does the agency do?

Mr. SCOTT. They supply their own provisions.

Senator LANE. They buy their own potatoes?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. How much oats did you grow?

Mr. SCOTT. Eight or ten hundred bushels.

The CHAIRMAN. How is it that you can not remember, if these are demonstration farms that are kept for the purpose of showing that the white man can teach "Lo, the poor Indian" how to farm; why is it that you can not remember anything definitely that you did there on that demonstration farm last year?

Mr. SCOTT. I never charged my mind with the exact figures.

The CHAIRMAN. You did not take enough interest in it to do it.

Senator LANE. How many horses have you: the horses that you have to feed oats to, for instance?

Mr. SCOTT. We keep about 20 horses. Some of them are out on different parts of the reservation.

The CHAIRMAN. We will adjourn now, gentlemen, until 2 o'clock to-morrow afternoon.

(Whereupon, at 11.20 o'clock p. m., an adjournment was taken until to-morrow, Tuesday, January 27, 1914, at 2 o'clock p. m.)

JANUARY 27, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,

Washington, D. C.

The commission met in the office of the Senate committee on Indian Affairs at 2 o'clock p. m.

Present: Senators Robinson (chairman) and Lane; Representative Carter.

The CHAIRMAN. We will now resume the testimony of Mr. Scott.

TESTIMONY OF W. W. SCOTT—Resumed.

Senator LANE. I want to ask Mr. Scott some questions here in a general way.

You testified last night that permits instead of leases were used on account of some change which was contemplated in the future, in some way or other relating, I suppose, to the management. You gave permits, I understood you to say, for the reason that they would be more easily revoked. That is right, is it not?

Mr. SCOTT. My impression of that is that under the permit form—the provision desired by the office, providing a way whereby we may cancel a part or all of the contract could be more readily inserted.

Senator LANE. Why would you want to do that?

Mr. SCOTT. In view of the proposed purchase of cattle?

Senator LANE. In view of the proposed purchase of cattle?

Mr. SCOTT. Yes, sir.

Senator LANE. But you were already contemplating that?

Mr. SCOTT. We were not.

Senator LANE. Not at that time?

Mr. SCOTT. The fund for building the fence—

Senator LANE. That came up afterwards, did it not?

Mr. SCOTT. It came up later on.

Senator LANE. How long has that fund been in existence for the building of that fence? How long has it been authorized?

Mr. SCOTT. The fund has been growing for several years.

Senator LANE. When was it provided for?

Mr. SCOTT. By the treaty of 1904.

Senator LANE. This is 1914—pretty nearly 10 years. You said there was some contemplated change. What did you mean by that—in connection with issuing the permits instead of taking leases? Was it only this matter of purchasing cattle?

Mr. SCOTT. Only providing for a relinquishment by the lessee of a part of the range at such time as the Indians might want it for their own use.

Senator LANE. Is there any project that you know of for the disposal of those lands?

Mr. SCOTT. I know of none.

Senator LANE. About the springs. The land which fenced off from the Indians, the range, as I understand it, in the winter, where the wind keeps the snow off, as it does in that country, on the south hillsides, is pretty good picking—bunch grass and other wild grasses all winter, wherever the cattle can get at the grass it is good feed?

Mr. SCOTT. Yes, sir; there is good grazing land.

Senator LANE. Excellent.

Mr. SCOTT. On both sides of the fence.

Senator LANE. That, I say, depends upon circumstances. In a deep ravine, where the snow covers it up, where the cattle can not get at it, it is not so; but out on the hillsides they do?

Mr. SCOTT. Yes, sir.

Senator LANE. But, in the summer, where is the driest and poorest part of the range?

Mr. SCOTT. The poorest part of the range is a small section—

Senator LANE. No; I mean in a general way, in respect to the land on the highland or lowland?

Mr. SCOTT. On the highlands. That is, understand me, the upland grass is much better than that of the lowlands; the nutritive qualities are much greater, while the grass in the valleys grows ranker, it has not the value of the finer-bladed grass of the uplands.

Senator LANE. Is it not a fact that the range up in the mountains where these springs rise is beter summer range than the lowlands?

Mr. SCOTT. I think not, sir.

Senator LANE. Is it not a fact that cattle and deer and elk and all animals do range back up in the mountains in the summer and down in the valleys in the winter?

Mr. SCOTT. They keep to the mountains.

Senator LANE. They naturally take to the mountains, do they not?

Mr. SCOTT. Yes.

Senator LANE. Not because the grass is poorer or less of it, but because it is better feed; is that right?

Mr. SCOTT. The mountains afford shelter and protection.

Senator LANE. Shelter from what?

Mr. SCOTT. For the game. The mountains are not inhabited.

Senator LANE. And for that reason cattle feed there, too?

Mr. SCOTT. They naturally take the isolated regions. They are held up there during the summer.

Senator LANE. They are held?

Mr. SCOTT. Yes; by the lessees.

Senator LANE. Why?

Mr. SCOTT. To utilize that range that can not be utilized during the winter.

Senator LANE. In the summer there is good range in the mountains and sufficient to feed the cattle, is there not?

Mr. SCOTT. There is good range everywhere in the summer.

Senator LANE. Just as good below in the summer?

Mr. SCOTT. Yes, sir.

Senator LANE. And in the fall?

Mr. SCOTT. Oh, yes.

Senator LANE. As it is in the mountains—and in the spring?

Mr. SCOTT. Just as good.

Senator LANE. It does not differ?

Mr. SCOTT. I think there is not an appreciable difference. Of course, there are spots here and there that are good, others that are not good, but I can not say that one section is better than the other, as far as that goes.

Senator LANE. You said last night that you rented or leased a tract—I don't remember the number of it—of some 400,000 acres to some one. Do you remember whose lease that is?

Mr. SCOTT. For \$40,100.

Senator LANE. Which one was that?

Mr. SCOTT. That was the west end of the reservation—range No. 4.

Senator LANE. That would be how much an acre?

Mr. SCOTT. Approximately 10 cents.

Senator LANE. Who leases that?

Mr. SCOTT. Charles McDaniels.

Senator LANE. Is it a permit or a lease?

Mr. SCOTT. I am unable to say on which form that contract was drawn.

Senator LANE. When did you let it?

Mr. SCOTT. A year ago the 1st of the coming February.

Senator LANE. For how long?

Mr. SCOTT. For three years

Senator LANE. What does he carry there, sheep or cattle?

Mr. SCOTT. Sheep.

Senator LANE. How many?

Mr. SCOTT. He has none there at all now.

Senator LANE. I beg your pardon.

Mr. SCOTT. He has none at all there now.

Senator LANE. He has none?

Mr. SCOTT. He has shipped out; in fact, it is understood that Mr. McDaniels has failed.

Senator LANE. What did he have?

Mr. SCOTT. He had sheep.

Senator LANE. He has paid his rent?

Mr. SCOTT. Yes, sir.

Senator LANE. He has paid his rent up to what time?

Mr. SCOTT. Up to the 1st of next month.

Senator LANE. Then you expect him to go on?

Mr. SCOTT. We have notified him to remit promptly the payment that will be due the 1st of the coming February.

Senator LANE. He has always remitted promptly in the past?

Mr. SCOTT. Always.

Senator LANE. And do you always give them notice?

Mr. SCOTT. We notify all the lessees some days in advance, advising them and calling their attention to the fact that their semi-annual payment will be due at a certain time, and asking them to remit promptly.

Senator LANE. The same as the bank does about giving notice on a note?

Mr. SCOTT. Yes, sir.

Senator LANE. That is not an unusual thing, then, in giving him notice to that effect?

Mr. SCOTT. Not at all; we give all of them notice.

Senator LANE. But you think he will not have any more cattle on there; is that right?

Mr. SCOTT. I do not know what arrangement he expects to make. We look, of course, to his bondsmen in case he is unable to meet his payment.

Senator LANE. The total leased acreage on your reservation is how much; do you remember, about?

Mr. SCOTT. Something over a million acres, all told.

Senator LANE. How much over a million would you think?

Mr. SCOTT. I would have to consult the leases.

Senator LANE. You would have to what?

Mr. SCOTT. I would have to consult the leases to get the exact acreage of it. I know it approximately.

Senator LANE. Could you give a general estimate?

Mr. SCOTT. Yes. Approximately the five ranges are considered as 400,000 acres each. One range, No. 6, has 30,000 acres; it is a small tract.

Senator LANE. I mean in all—about how many acres of leased land have you on the reserve?

Mr. SCOTT. According to our estimate, the six ranges embrace 1,030,000 acres. I do not give that as the exact acreage, but would have to consult the leases.

Senator LANE. You do not know much about it, then, really. Can you give us just a general idea—have you been surveying?

Mr. SCOTT. I would not attempt to say just how many acres.

Senator LANE. Did you ever hear anybody say?

Mr. SCOTT. Oh, yes; the leases all specify or estimate the number of acres contained in the certain tract.

Senator LANE. Did you ever have those added up to see how much there would be in all?

Mr. SCOTT. I never have.

Senator LANE. I notice in some statement or report by a man by the name of Linnen——

Mr. SCOTT. Yes.

Senator LANE. The total acres leased is 1,950,000, or pretty nearly 2,000,000.

Mr. SCOTT. I think there is some mistake about that.

Senator LANE. You think that is not right?

Mr. SCOTT. Yes.

Senator LANE. This money that you received for the leases, how much did you get for it?

Mr. SCOTT. A total of \$159,000.

Senator LANE. What did you do with the money; what use did you make of it?

Mr. SCOTT. A large part of it is devoted to the building and maintenance of irrigation work.

Senator LANE. You do that? Does the law provide for the expenditure of the money that way?

Mr. SCOTT. Yes, sir.

Senator LANE. Is it an act of Congress?

Mr. SCOTT. Yes, sir; the treaty made that provision. Then, after that, we pay the salaries of certain employees from that.

Senator LANE. You pay salaries out of that, too?

Mr. SCOTT. We pay some salaries out of that.

Senator LANE. That is under what heading—what expenditure do you put that under, and how does that come in your bookkeeping, and how do you account for that?

Mr. SCOTT. We pay it from the fund designated by us as “proceeds, Indian labor at Crow.”

Senator LANE. Then what do you charge it to?

Mr. SCOTT. We charge it to that fund?

Senator LANE. You charge it to the fund?

Mr. SCOTT. Yes.

Senator LANE. When you pay it out?

Mr. SCOTT. Indian moneys, you know, are placed to my credit, and under the instruction of the Indian Office, we pay certain salaries from that fund: certain other salaries are paid from a gratuity appropriation provided for under the treaty with the Indians.

Senator LANE. But I should think that if you took money out of a fund that you would give that fund credit.

Mr. SCOTT. We do.

Senator LANE. I understood you to say you charged it to it. You then credit it to one fund and charge it to another?

Mr. SCOTT. We charge the fund when we receive the money on that. We deposit it to the credit of that fund; naturally, when we pay out we check against that fund.

Senator LANE. And give it credit for it. Now, then, what fund do you charge this money to that you pay out for salaries?

Mr. SCOTT. Some salaries, as I say, are paid from that fund. We merely check against the amount to our credit.

Senator LANE. You do not keep any particular account against it; is that right? Is it an expense account, current expense?

Mr. SCOTT. It is our monthly pay roll.

Senator LANE. You charge it to the pay roll?

Mr. SCOTT. Oh, sure.

Senator LANE. You said last night that you had some affidavits against Mrs. Grey, didn't you?

Mr. SCOTT. I do not remember having said so.

Senator LANE. I understood you to say there had been charges filed against Mrs. Grey.

The CHAIRMAN. You just handed me what purported to be an affidavit, and since you came in you asked if it might go in the record.

Mr. SCOTT. Yes; I think the matter was not mentioned last night.

Senator LANE. Did you have one to-day?

Mrs. GREY. I think two affidavits were mentioned last night.

Senator LANE. Mrs. Grey says she understood two affidavits were mentioned last night, but you have some now?

Mr. SCOTT. I have a paper or two I would like to put into the record.

(Witness later referred to certain affidavits and copy of telegram which are attached to this testimony as exhibits.)

Senator LANE. How many employees have you on the agency in all?

Mr. SCOTT. You mean those employed at the school and the agency in all departments?

Senator LANE. All on your pay roll.

Mr. SCOTT. Do you want the exact number?

Senator LANE. About; approximately.

Mr. SCOTT. Our pay roll varies.

Senator LANE. The average.

Mr. SCOTT. At the present time, I suppose, it carries about 200 names.

Senator LANE. What is the amount of your pay roll, on the average—what was it last month?

Mr. SCOTT. I do not remember; I can not remember what it was.

Senator LANE. Do you pay off the pay roll?

Mr. SCOTT. I do not do the clerical work; no, sir.

Senator LANE. Is not the pay roll submitted to you for your O. K.?

Mr. SCOTT. Certainly; for my signature. We have certain employees at a stipulated salary. That salary is paid to them every month at the same rate. Then, in addition to that, we have a large number of laborers employed in the construction of irrigation ditches and other public work. The number employed varies with the season. In the summer, when the work is in full swing, there

may be 400 or 500. At one time our pay roll aggregated something like 600. It may be said that on that roll a great many names appeared several times—that is, Indians who would come on and work for a day or two and quit, go off and come back in a day or two later, go in again, working a few days at a time.

Senator LANE. What did your pay roll amount to for last month?

Mr. SCOTT. I do not remember.

Senator LANE. You have to certify to the payroll, do you not, before it can be paid?

Mr. SCOTT. Yes, sir.

Senator LANE. You have to approve it?

Mr. SCOTT. Yes, sir.

Senator LANE. Do you not look it over to see what it amounts to?

Mr. SCOTT. I do that every month.

Senator LANE. Do you not make a comparative estimate in your mind and weigh it as against the funds you have to draw from, and note what the average has been for the year, and keep track of it that way?

Mr. SCOTT. We have a cash statement that is made up every month, and I know from that how the funds are at any specific time. We have quite a large number of funds from which we draw, and I can at any time ascertain how much we have to our credit in any specific fund.

Senator LANE. The reason I asked you was, it was my assumption perhaps you fix the general idea in your own mind as to how the funds ran, how much you have to go on, how much you have expended, the amount of the pay roll, etc., and that you had a general idea of it all.

Mr. SCOTT. I know in a general way when we have funds enough to our credit to meet the coming expenses. For instance, say, the fence pay roll, the pay roll to meet the cost of this fence that we are building; I knew that we would need about \$1,200 to meet the pay roll at the end of this month, and I knew that we did not have that much on hand. Consequently I arranged to have it placed to our credit. I know the same thing as to the funds for irrigation; I know that we have enough on hand. In other departments the funds vary, and I can tell, to my own satisfaction, whether we have funds enough on hand to meet the coming expenses, but further than that I do not keep the record in my mind.

Senator LANE. Then, I want to ask you about this matter of leasing again. Is it or is it not a fact that the lessees who pay \$2.11 or \$2.25 for cattle sublet at \$5 a head to others?

Mr. SCOTT. No, sir; it is not a fact.

Senator LANE. That is not true?

Mr. SCOTT. It is not true.

Senator LANE. You know that positively?

Mr. SCOTT. I am satisfied it is not true; I never heard of the assertion of the question before, but I know enough about the range and about those people to know it is not true.

Senator LANE. At any time did Frank Heinrich sublet to Charles Heinrich?

Mr. SCOTT. To who?

Senator LANE. To Charles Heinrich.

Mr. SCOTT. No; he does not sublet to Charles Heinrich. Charles Heinrich is interested with Frank Heinrich in a way. Charles Heinrich is a brother of Frank, and they work together.

Senator LANE. Which is the lessee?

Mr. SCOTT. Frank.

Senator LANE. And Charles has cattle on there in connection with his brother?

Mr. SCOTT. He and his brother and the family run cattle together there.

Senator LANE. Sort of a partnership, is it?

Mr. SCOTT. I do not know what the arrangement between themselves is. I know that the wife of Charley Heinrich has some cattle there.

Senator LANE. As to the general health of the Indians on the reservation, what percentage did you say of tuberculosis you have there, or did you say?

Mr. SCOTT. I said that sometime ago we had a physician there—tuberculosis expert—who estimated that 90 per cent of the Indians of the reservation were or had been affected by tuberculosis, to a greater or less extent.

Senator LANE. Were or had been?

Mr. SCOTT. Were or had been. In many cases they were what they call "closed lesions." I am not a physician.

Senator LANE. How many were actually suffering from tuberculosis at that time, do you remember, from what he said—with active tuberculosis?

Mr. SCOTT. I think the estimate was about 30 per cent, but I am unable to say positively.

Senator LANE. What about trachoma?

Mr. SCOTT. Trachoma is quite prevalent.

Senator LANE. To what extent?

Mr. SCOTT. And in the same way, there is a large percentage in which the disease is active, and others where there is merely incipient.

Senator LANE. Trachoma?

Mr. SCOTT. Yes.

Senator LANE. What percentage would you think have active trachoma?

Mr. SCOTT. It would be only an estimate, sir.

Senator LANE. You could only guess at it, you mean?

Mr. SCOTT. That would be all.

Senator LANE. How much would you guess?

Mr. SCOTT. The active cases?

Senator LANE. Yes; how much in proportion to the population?

Mr. SCOTT. Oh, it would be rather small. I would say that—to take those cases that would be noticeable, those where you would notice in casually meeting one, that eye trouble existed.

Senator LANE. Do you not do more than take, just as you say, casual notice whether they have trachoma or not? Do you ever go out and investigate for yourself what the conditions are?

Mr. SCOTT. I am with them a great deal, and what I speak of is that anyone meeting them casually would notice—cases that it would be noticed by anyone meeting another casually, not having their mind on it at all.

Senator LANE. Do you not have it in mind?

Mr. SCOTT. I have a great many things in my mind, sir.

Senator LANE. Too many to attend to that?

Mr. SCOTT. I will say this, that whenever I find an Indian suffering from trachoma, I always urge him to go to the doctor, and very frequently I take him personally to the doctor.

Senator LANE. Do you have a hospital there?

Mr. SCOTT. Yes, sir.

Senator LANE. Of how many beds?

Mr. SCOTT. We have three wards.

Senator LANE. How many in each?

Mr. SCOTT. And there are usually two beds in each ward.

Senator LANE. Three wards—that would be six beds.

Mr. SCOTT. Yes.

Senator LANE. Is it full most of the time?

Mr. SCOTT. No; I think it would not—the average would probably be three or four, not more than three, perhaps.

Senator LANE. What type of medical men do you get there, high-class, good men?

Mr. SCOTT. We have good average physicians.

Senator LANE. What do you pay them?

Mr. SCOTT. One is paid \$1,200 and the other is paid \$1,400.

Senator LANE. You have two physicians?

Mr. SCOTT. We have three. Another is paid \$1,500, but has in addition to his work as physician the position of agency or of district farmer.

Senator LANE. District farmer and physician?

Mr. SCOTT. And physician; yes, sir.

Senator LANE. How does he combine those two offices?

Mr. SCOTT. They combine very readily, as he has occasion to be traveling over his district in the capacity of both physician and farmer.

Senator LANE. And does he receive separate pay for each?

Mr. SCOTT. No, sir; he has just a salary. He is carried as physician and farmer, at a salary of \$1,500.

Senator LANE. There was handed to me a photograph of a child whose leg was broken and was treated there sometime past, I do not know by whom or how long ago, and that was the result of the union of the bones [exhibiting photograph to the witness and to the joint commission].

Mr. SCOTT. Yes.

Senator LANE. Do you remember that case?

Mr. SCOTT. I do; I know all about it.

Senator LANE. Did you see this, Mr. Carter? There is a broken leg treated there, and that is why I am asking about the character of the physicians. There is a photograph showing how the leg united.

Representative CARTER. Did the agency physician treat this?

Senator LANE. That is what I am told. Is that right?

Mr. SCOTT. The first I knew of that was a call to Dr. Lorenz, the agency physician, to go to see that case.

Senator LANE. Is he the one who is physician and farmer—Dr. Lorenz?

Mr. SCOTT. No, sir; he is the one at the agency. He was called to go and see that child. It was a distance of some 40 miles. The call came just about night. He started immediately, and, as he afterwards told me, got out there sometime between midnight and morning. He went in and set the leg, fixed the child up in proper shape, with the necessary appliances, and returned the next day. As I get the story, these people called in an Indian doctor—what we call a "medicine man." He took off the bandages, displaced the weights, and went over the business himself, with the result as you see there [exhibiting photograph]. When, finally—just at that time the physician located on the Big Horn, Dr. Kelly, had been appointed, but had not yet arrived; he was expected, and came a day or two later. He went out there and found this medicine man there, and, as I understand, declined to have anything to do with the case unless they would agree to keep the Indian doctor away from him. The child was later on taken to the hospital at Billings and another operation was performed. Unquestionably the appearance of the Indian medicine man was responsible for that. Dr. Lorenz would never set a leg or bone in that shape.

Senator LANE. The Indians make the complaint, and I give it to you for what it is worth, that when the parents of the child informed you that the bone had not been properly set that you not only refused to aid them, but threatened them and told them that you did not want any trouble.

Mr. SCOTT. May I ask where that comes from?

Senator LANE. It came from the reservation in a letter, I think.

Mr. SCOTT. The only trouble with the statement is that it is absolutely and wholly false.

Senator LANE. It may be. I am not saying it is true. I just wanted to let you know, and so, naturally, you see why I brought the matter up.

Mr. SCOTT. Yes, sir.

Senator LANE. How much was your appropriation last year for support and civilization; do you remember?

Mr. SCOTT. We get no gratuity money except as provided under the treaties—a few salaries that are provided for by treaty.

Senator LANE. How much was set aside by Congress? That must have been appropriated for that purpose.

Mr. SCOTT. The amount set aside by Congress is for the entire service. It is apportioned to several Indian reservations by the Indian Office.

Senator LANE. I do not think so. I think there was a general fund. Is there not a fund for the support and civilization of Indians on your reservation?

Mr. SCOTT. No, sir.

Senator LANE. There is not?

Mrs. GREY. There is a fund of \$6,000.

Mr. SCOTT. Oh, that is for the fulfillment of treaties. It applies to these salaries that you speak of.

Senator LANE. Do you understand that that is provided for by treaties; and if it were provided for by treaties—

Mr. SCOTT. The appropriation is made in pursuance to treaty stipulation.

Senator LANE. How much do you expend upon the Indians, per capita, for support and civilization per year; do you remember, Mr. Scott?

Mr. SCOTT. I hardly know how to get at that, because we do not expend it in that way. We pay the physician, we pay the miller and the blacksmith from that fund, as agreed by the treaty.

Senator LANE. You keep no book account of a fund called "For the support and civilization of the Indians"; is that what I understand you to say?

Mr. SCOTT. We have money from that appropriation placed to our credit for the purpose of paying these salaries.

Senator LANE. Not under the head, as I understand you, for support and civilization?

Mr. SCOTT. Yes; we check on it under that head; but you understand that the appropriation is made for the purpose of paying these salaries. Then we call on the Indian Office to have put to our credit under that fund money enough to meet these monthly payments.

Senator LANE. That is what I wanted to find out—how you carried on that account. It appears in the bill as so much for "support and civilization," and I desired to find out whether it is expended for that purpose.

Mr. SCOTT. It is expended in that way.

Senator LANE. Do you spend any of it for the support of the Indians?

Mr. SCOTT. No, sir.

Senator LANE. None?

Mr. SCOTT. That is merely a title for the—

Senator LANE. Do you spend much on their civilization?

Mr. SCOTT. If the maintenance of schools might be called—

Senator LANE. No; there is a special appropriation, I think, for schools, Mr. Scott, independent of that, if I remember. There is for most of them; I don't know whether it applies in your case or not.

Mr. SCOTT. The entire business is for the civilization of the Indians.

Senator LANE. Yes; but they are under different appropriations. You do not know whether that is divided from the school fund or not; is that what I understand?

Mr. SCOTT. That is separate.

Senator LANE. It is kept separate?

Mr. SCOTT. It is separate; yes.

Senator LANE. You keep it separate?

Mr. SCOTT. We draw on a separate fund, a certain fund. As I say, we pay all expenses from different funds. Whenever we draw a check, we draw it on a certain fund; whenever we ask to have funds placed to our credit, we ask that it be placed from a certain appropriation that is applicable.

Senator LANE. How many reallocations were made this last year, if any, on your reserve?

Mr. SCOTT. There were no reallocations.

Senator LANE. No reallocations?

Mr. SCOTT. No, sir.

Senator LANE. You issue rations to the Indians?

Mr. SCOTT. No, sir.

Senator LANE. None at all?

Mr. SCOTT. No, sir.

Senator LANE. Under no circumstances?

Mr. SCOTT. Only in cases of destitution, where perhaps an old person—

Senator LANE. That is what I mean.

Mr. SCOTT. Is destitute. In that case we pay for supplies; we find their supplies for them; we do not issue rations.

Senator LANE. And then you charge that to what?

Mr. SCOTT. We get authority from the Indian Office to expend that necessary amount of money from the fund.

Senator LANE. I think you are right about that. This seems to differ from the others. I do not see anything in there for support and civilization.

Then, do you have a system of issuing what is called "rations" to those who are in distress? Or do you buy them just what you think they need?

Mr. SCOTT. We procure from the Indian Office authority to expend that necessary amount of money. When that authority is received, and sometimes before, if the emergency demands, we go to our trader and arrange to have him supply the needy person with necessaries.

Senator LANE. Do you know Inspector Norris?

Mr. SCOTT. Yes, sir.

Senator LANE. When was he out there?

Mr. SCOTT. A year and a half ago.

Senator LANE. Did you see the report he made in regard to violation of contract?

Mr. SCOTT. Did he make such a report?

Senator LANE. I think so.

Mr. SCOTT. I do not know.

Senator LANE. Did you say you know of no subleases on the reserve?

Mr. SCOTT. No what?

Senator LANE. You know of no subleases or do you know of any subleases?

Mr. SCOTT. I do not.

Senator LANE. You said last night cars contained 16 to 20 head of cattle, depending on the size of the cars, and you counted the cattle out in that way?

Mr. SCOTT. Yes; and in addition to that the shippers always know. They tally their cattle, and know how many they are getting in and out.

Senator LANE. You count the cars and then you estimate them as 16 or 20, which?

Mr. SCOTT. That is the usual size, depending somewhat on the car. Our stockmen are practical and experienced men in the business. They can tell what a car will hold very closely.

Senator LANE. Do they count the cattle or count the cars? You said they counted the cars.

Mr. SCOTT. I think the usual practice is to count the cars.

Senator LANE. Did you ever go out and check that up yourself?

Mr. SCOTT. Frequently.

Senator LANE. You frequently do? So you know something about that—that that is done carefully and well; is that right?

Mr. SCOTT. That is right.

Senator LANE. Why do the Indians, you think, refuse to work on this proposed fence? Is it prejudice merely or because they think it is contrary to treaty, or what are your views in regard to that?

Mr. SCOTT. They do not give any reason; they simply say they will not work.

Senator LANE. Do you want to let Mrs. Grey ask any questions or not?

The CHAIRMAN. I have no objections to hearing Mrs. Grey.

Senator LANE. Have you anything you want to get in here?

Mrs. GREY. May I ask some questions?

The CHAIRMAN. Do you want to ask the witness some questions?

Mrs. GREY. I would be very glad to.

The CHAIRMAN. I first desire to ask the witness a few questions.

How many cattle did the Indians own when you went onto the reservation, approximately? Do you know?

Mr. SCOTT. No; I do not.

The CHAIRMAN. Do you know how many they own now?

Mr. SCOTT. Between 1,400 and 1,500.

The CHAIRMAN. Do they own more now than they did then?

Mr. SCOTT. The number has not varied greatly in that time.

The CHAIRMAN. About the same that they owned then?

Mr. SCOTT. Possibly; they are buying and selling all the time.

The CHAIRMAN. Did Heinrich ship cattle in September during the fair at Hardin?

Mr. SCOTT. I do not remember whether he did or not.

Mrs. GREY. That was Spear Bros.

The CHAIRMAN. That is not the information I have. Do you know Spear Bros. shipped cattle in September, during the fair at Hardin?

Mr. SCOTT. I do not.

The CHAIRMAN. Do you know whether Heinrich or Spear were shipping cattle in September, while the Indian stock inspector, whose business it was to check them up, was at a fair at Hardin? Do you know anything about that?

Mr. SCOTT. I do not remember the occasion; no.

The CHAIRMAN. You have no personal knowledge as to whether they were shipping cattle at that time, and their statement as to what they were shipping was taken instead of the statement of the stock inspector?

Mr. SCOTT. We do not take their statements for what they ship.

The CHAIRMAN. How do you know you do not?

Mr. SCOTT. Because we have a man there to look after it.

The CHAIRMAN. Yes; but suppose a man goes to a fair and stays there while the cattle are being shipped and he takes the statement of Heinrich or the Spears and returns it; would you have any way of checking him and knowing whether he was doing his duty or neglecting it?

Mr. SCOTT. That man has been on the reservation in his present position for a great many years—15 or 20 years—I do not know how long. I have worked with him all the time since I have been there, nearly four years, and I have entire confidence in him. I do not believe—

The CHAIRMAN. So you would rely upon any statement he would make. You do not check him up to see whether he is doing his duty, then? That is what I wanted to know.

Mr. SCOTT. I have never heard him questioned, never heard him—

The CHAIRMAN. I will state to you that the commission has some information that that occurred. I am trying to find out whether it is within your knowledge or without your knowledge.

Mr. SCOTT. I have no knowledge of anything of the kind occurring.

The CHAIRMAN. You believe that he is very diligent in the discharge of his duty because he has been there a long time?

Mr. SCOTT. No, sir; because I have known of his work.

The CHAIRMAN. What is his name?

Mr. SCOTT. A. A. Campbell.

The CHAIRMAN. Have his reports to you ever differed from the reports of the stockmen themselves as to the amount of cattle received or shipped?

Mr. SCOTT. The stockmen do not make a report of their specific shipments.

The CHAIRMAN. They do not?

Mr. SCOTT. No.

The CHAIRMAN. All the information your office gets is through him?

Mr. SCOTT. Through our representatives who are there.

The CHAIRMAN. You do not require them to file an affidavit or statement as to the amount of stock shipped or received?

Mr. SCOTT. No.

Senator LANE. I understood you to say last night that you did.

The CHAIRMAN. That is exactly what I understood him to say, and that is the reason I am asking him now.

Mr. SCOTT. We require them to submit an affidavit of the number run on the reservation.

The CHAIRMAN. You do not require any affidavit as to the number brought in or taken off the reservation?

Mr. SCOTT. No.

The CHAIRMAN. How often are those affidavits as to the number run required to be taken?

Mr. SCOTT. At the semiannual payments.

The CHAIRMAN. What is the form of that affidavit? Does it show the number run at a definite time or just the average number?

Mr. SCOTT. It shows the average. I have forgotten the form of the affidavit. It is in such form as we can get the number run. They have run—they state under oath that they have run on the range during the past six months so many cattle.

The CHAIRMAN. Just a general statement as to the number run?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. As a matter of fact, the number varies greatly during that six months, does it not?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. And how is that number arrived at, if you know? How do they reach a conclusion as to the number run if it varies greatly during that time? Do you know whether or not they keep a record of the cattle brought in and the cattle removed, and try to reach an average, or how is it done?

Mr. SCOTT. They keep their records. They know how many cattle they have brought in and how many—

The CHAIRMAN. Have you any means of ascertaining whether their statement is true or untrue, correct or incorrect?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. What is your means?

Mr. SCOTT. Why, taking the cattle as they are received and shipped.

The CHAIRMAN. Suppose your inspector is not there and does not in fact check them, has no knowledge that a shipment has come in, you would not be able to do it then?

Mr. SCOTT. In that case we would have to take the statement of the shipper?

The CHAIRMAN. Do you know the condition of that range last March?

Mr. SCOTT. I knew it at the time; I do not know whether I can say now.

The CHAIRMAN. Do you remember whether or not an inspector was there and investigated the condition and reported that it was barren and that that barren condition was due to the grasshoppers?

Mr. SCOTT. I do not know that such a report was made.

The CHAIRMAN. Did you have any trouble with grasshoppers at that time?

Mr. SCOTT. I do know that a small portion of the country where the range was was damaged with grasshoppers; it was not universal, however, by any means.

The CHAIRMAN. Would that affect the condition of the range materially in March?

Mr. SCOTT. I think not; I think the damage was not sufficiently extensive to be noticed at all.

The CHAIRMAN. So that if the range was barren it would not be due to grasshoppers, would it, especially in March?

Mr. SCOTT. Oh, no, no.

The CHAIRMAN. What season of the year are the grasshoppers especially damaging to the range?

Mr. SCOTT. I have never before known of grasshoppers to damage that range at all.

The CHAIRMAN. If grasshoppers damaged the range, it is not within your knowledge?

Mr. SCOTT. No.

Representative CARTER. You said you had no way in the world of knowing whether these affidavits were correct or not if your men did not check them in and out. That was your answer to the Senator's statement. Did you not state last night that you also got reports from the railroad company as to the number?

Mr. SCOTT. We get notice from the railroad company when shipments are to be made; that is what I said last night.

The CHAIRMAN. Do they drive cattle in that country on and off the range?

Mr. SCOTT. Oh, no.

Questions by Mrs. HELEN PIERCE GREY:

Mrs. GREY. When Heinrich was shipping he was shipping at Lodge Grass; and, Mr. Scott, were you not at Hardin with Campbell during that fair time, and were they not shipping the cattle from Lodge Grass?

Mr. SCOTT. I was with Mr. Campbell at the fair.

Mrs. GREY. Were you not in a saloon there at Hardin?

Mr. SCOTT. At Hardin—I was there about two hours one day.

Mrs. GREY. You were there in the evening?

The CHAIRMAN. The material point about it is, do you know whether or not the lessees were shipping cattle at that time, and did you have any information about it?

Mr. SCOTT. I do not. I do know very distinctly that Campbell would not go off to a fair and neglect a shipment.

The CHAIRMAN. That is an opinion. You can not know what another man would do. You do well enough to know what you do yourself.

Senator LANE. Is he a drinking man?

Mr. SCOTT. Campbell?

Mrs. GREY. Yes, sir.

Mr. SCOTT. He takes a drink of beer occasionally. I have never known him to be intoxicated or to drink to excess at all.

The CHAIRMAN. Is there anything else?

Mrs. GREY. Mr. Scott, do you remember the hearing that was held in your office on October 11, when I was there?

Mr. SCOTT. Yes.

Mrs. GREY. Do you remember Mr. Campbell was asked what records he had as to the number of stock that were on the reservation, and do you remember that he replied that he had none; and when I asked him if he kept records on sheep, he said, "No; sheep were not stock," and that he did not count them?

Mr. SCOTT. I remember that hearing and remember that Campbell was on the stand, but I do not remember his testimony.

Mrs. GREY. The record is here, and that is the statement.

Do you remember that Mr. Norris went out there, and did you see the report that Mr. Norris made on that matter?

Mr. SCOTT. I did not.

Mrs. GREY. Mr. Norris's report will show that he found that Mr. Campbell was guilty of dealing in horses, drank, and that his inspection was no inspection.

The CHAIRMAN. Perhaps it would be best to produce the report of the inspector.

(The report referred to is as follows:)

EXHIBIT 1.

As to section 13, wherein it is charged that the Indian herds are not properly cared for, and that there is no sufficient supervision over the branding, gathering, and shipping of cattle, and that there is no proper inspection or report on the number of cattle and sheep grazed on the range and no proper inspection of general conditions on the range, I find, after careful consideration, that said complaints are true.

* * * * *

As to section 17, wherein charges and complaints against Superintendent of Live Stock Campbell and Additional Farmer Schroeder are considered, I find—

1. That said Campbell is guilty of dealing in horses with Indians.
2. That said Campbell is guilty of using intoxicating liquor on the reservation, and that said use has to some extent destroyed the confidence of the people with whom he has business, and impaired his efficiency and usefulness.
3. That in view of all the surrounding circumstances, I recommend such clemency as may be consistent with good service.
4. That Additional Farmer Schroeder be severely reprimanded for his conduct in drinking liquor in the presence of or with Indians on the reservation or at times when, by so doing, it may become known to the Indians.

Mrs. GREY. He has been trading with horses since 1884.

The CHAIRMAN. Was Campbell dealing in stock on the reservation? Do you know?

Mr. SCOTT. No; I do not.

Senator LANE. You do not know, you say?

Mr. SCOTT. He never did, to my knowledge.

Senator LANE. Would you know whether he was or not?

Mr. SCOTT. I think I would.

Mrs. GREY. He found back in 1884 a statement, when Senator Lamar was Secretary of the Interior, where he was dealing in stock, and permitted to do so by the agent, and he has been dealing in stock ever since.

The CHAIRMAN. Mr. Scott, did you have some affidavits that you wanted to go into the record?

Mr. SCOTT. I want to make a statement, with your permission.

The CHAIRMAN. All right. That is what you are here for.

Mr. SCOTT. I am very loath indeed to say anything that might reflect on the conduct of Mrs. Grey. It is extremely distasteful to me.

The CHAIRMAN. Mr. Scott, the commission is not asking any statement of that sort. If you want to make the statement, go ahead and make it. If you do not, we are not requiring you to do it. We want all the information that is available and is of value.

Mr. SCOTT. I feel that my duty to the Indians compels me to say—to give you something of the history of Mrs. Grey's connection with the Crow Indians. She came there seven or eight years ago.

The CHAIRMAN. Wait a minute. Were you there?

Mr. SCOTT. No, sir.

The CHAIRMAN. Do you know that of your own knowledge?

Mr. SCOTT. I did not see her there.

The CHAIRMAN. Very well, you need not go into such historical statements as are not within your own knowledge.

Mrs. GREY. Senator Robinson, will you not let the statement go into the record, and give me an opportunity of answering? These things are being continually referred to, and I feel it is right to me that I should have an opportunity to answer them. They are false.

The CHAIRMAN. Very well, if it is not objectionable to the other members, we will hear any statement you want to make.

Senator LANE. Mrs. Grey, you must remember that Mr. Scott can not say what happened when he was not there.

Mrs. GREY. He has something which has been fixed up. I would like to have him put it in the record. I can tell him where it was fixed up.

Mr. SCOTT. I have the history of Mrs. Grey when she was there seven years ago.

Mrs. GREY. Eight years ago.

Mr. SCOTT. I know at that time the Indians were demoralized almost beyond repair.

The CHAIRMAN. All right. How do you know that?

Mr. SCOTT. By the testimony of people who were there during the entire time.

The CHAIRMAN. What do you mean by "testimony"? Do you mean statements?

Mr. SCOTT. Statements; yes, sir.

The CHAIRMAN. I can not take hearsay statements. I will state this: This commission is not primarily concerned with the controversy between you and Mrs. Grey.

Mrs. GREY. I have no controversy with him.

Mr. SCOTT. I have no controversy with Mrs. Grey.

The CHAIRMAN. I am not entirely satisfied that either of those statements are correct.

Mrs. GREY. I have not, in the least, Senator Robinson.

The CHAIRMAN. I am not willing to allow an investigation that is designed for the improvement of the service to descend to inquire into transactions that are entirely irrelevant to the investigation. I have no objection, Mr. Scott, to your proceeding with your statement, if you will make it brief.

Mr. SCOTT. Then, to come down to the last visit of Mrs. Grey. I was notified by the Commissioner of Indian Affairs that Mrs. Grey would come and was requested—

The CHAIRMAN. Is that in writing?

Mr. SCOTT. Yes, sir.

The CHAIRMAN. Just submit that and we will put it in the record, and you need not state what is in it; it will show for itself.

(Witness did not submit letter referred to.)

Senator LANE. Who was commissioner at that time, Mr. Scott?

Mr. SCOTT. Mr. Sells. I believe I have not that letter. I have a letter from Mr. Sells advising me that he is inclosing a copy, but I do not find the copy. May I state from memorandum what that letter contained?

The CHAIRMAN. No; you will produce the letter itself.

Mr. SCOTT. Later on Mrs. Grey arrived, and showed a letter addressed to me by the chairman of this committee, asking me, as I remember it, to afford her opportunities for investigation. Mrs. Grey showed me the letter, but declined to leave it with me, saying she wanted to use it on the reservation. She was coming in in the evening. The next day she came to the office, and again showed me the letter, making the same statement that she wanted to use it on the reservation. I told her that unless she filed the letter I could not recognize her, but I did allow her free run of the reservation. Mr. Harry Harris was there and filed his credentials, and was allowed to take anything that he wanted. A man was directed to wait on him and give him and Mrs. Grey, who was working with him, anything that Mr. Harris asked for. They were there a few days and went around over the reservation, and it was immediately apparent that a change had taken place among the Indians. They began holding councils, and stopped their work.

Representative CARTER. Their work? What were they doing?

Mr. SCOTT. The usual work around the reservation.

The CHAIRMAN. What, though?

Mr. SCOTT. Just at that time—that was during the fair; they were doing nothing at that time.

The CHAIRMAN. Then they did not stop doing anything?

Mr. SCOTT. We were not then able to get them to go to work again.

Mrs. GREY. Where were they holding the councils?

Mr. SCOTT. There were councils held in the Big Horn.

Mrs. GREY. Where?

Mr. SCOTT. That is 12 miles. at the home, I understand, of Ties His Knees.

Mrs. GREY. There was no council there.

Mr. SCOTT. And the usual result followed. We were unable to get the Indians to do any work during the fall; they absolutely refused to plow, the first time in my administration there that such a thing has happened. They refused absolutely to work for wages, and, as a consequence, they have gone into the winter with little or no funds except such as comes to them from the inheritance and from private leases.

Senator LANE. I beg your pardon right there, Mr. Scott. Would they accumulate funds by plowing?

Mr. SCOTT. No, sir; but they would prepare for the next year's crops.

Senator LANE. But you said if they did not plow and quit plowing, which they had always been accustomed to do, that they would go into the winter with little or no funds. as though they would make their money by plowing.

Mr. SCOTT. They went into the winter with little or no money, for the reason that they would not work on the ranges.

Senator LANE. Not from lack of plowing?

Mr. SCOTT. Not plowing.

Senator LANE. That will come next year?

Mr. SCOTT. They will suffer from that next year.

Under the ruling of the chairman, there are some things I had intended to submit—

The CHAIRMAN. Let us see what they are. You have not offered anything.

Mr. SCOTT. There [indicating paper] is a copy of the affidavit that I have.

The CHAIRMAN. Have you the original affidavit?

Mr. SCOTT. The original, I believe, is on file in the Indian Office. I will not offer that.

The CHAIRMAN. Wait a minute. That does purport to be signed, or is it written?

Mr. SCOTT. It was signed and sworn to in my presence. That is a copy.

The CHAIRMAN. The document that you have in your hand does not appear to be signed by anybody.

Mr. SCOTT. This is merely the carbon copy.

The CHAIRMAN. Answer my question. Does the document which you have in your hand appear to be signed by anybody?

Mr. SCOTT. No, sir.

The CHAIRMAN. Of course, that will not be admitted.

Mrs. GREY. There is one in the Indian Office, Senator Robinson.

The CHAIRMAN. What?

Mrs. GREY. There is an affidavit on file in the Indian Office. If you have seen the files there, going through them, as I have, there is not any place on earth from which they could get an affidavit that is not obtained and put on file against me. They are just as false on their face as they can be, and they know they are false.

The CHAIRMAN. If you want it to go in, I will let it go in.

Mr. SCOTT. There is an affidavit of Charles Clawson, touching the matter about which I spoke last night.

The CHAIRMAN. All right; that will be submitted in evidence.
(The affidavit submitted by Mr. Scott is as follows:)

STATE OF MONTANA, *Big Horn County, ss:*

I, Charles Clawson, of lawful age, resident of above-named county and State, being first duly sworn, on my oath depose and say:

That during the early part of the month of October, or possibly the last of September, I was employed as a foreman in the construction of a line of fence being built across the Crow Indian Reservation by the Government, under the general supervision of Mr. J. E. Jenkins; that at that time one Helen P. Grey came to a point where I was at work with my gang, being brought out by George Pease in an automobile from Lodge Grass. Mrs. Grey inquired whether this was a ditch camp. I told her no. She then said, "This fence building has got to stop"; that she was going to have it canceled. She told me that I, being a Crow, should stick to the tribe: that I ought not to build the fence.

Mrs. Grey circulated among the Indians spreading the impression that the work was to be stopped; that the boys who were doing the work would not be paid; that she would have the work stopped. In consequence of her talk some of my force stopped work, and many others who otherwise would have worked refused to do so, rendering it extremely difficult for us to procure sufficient help and very seriously delaying the work.

I am a Crow Indian and have lived on the Crow Reservation all my life. I have been familiar with Mrs. Grey's connection with the tribe from the first, and it has been my observation that every time Mrs. Grey comes to the reservation the same thing happens, namely, the Crows stop work, neglect their farms, failing, as a consequence, to raise anything. Mrs. Grey's influence with the Crows has always been for the bad, and she has set the tribe back many years.

CHARLES CLAWSON.

Subscribed and sworn to before me this 1st day of January, 1914.

W. P. SQUIRES,
Notary Public for the State of Montana,
Residing at Crow Agency, Mont.

(My commission expires January 25, 1916.)

Mrs. GREY. I have never spoken to him and do not know him.

The CHAIRMAN. Do not interpolate remarks into the statement of the witness. We must proceed with due order.

Mr. SCOTT. I made the statement last night that Mrs. Grey's presence on the reservation interfered with the work. I submit that affidavit in support of it.

I take the ground that Mrs. Grey habitually will bring charges against anyone, denounce anyone who does not happen to fall in with her ideas, and in support of that I will offer an affidavit by Joe Cooper, of Lodge Grass.

The CHAIRMAN. All right, let it go in.

(The affidavit here submitted by Mr. Scott is as follows:)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
SOAP CREEK, CROW RESERVATION.

January 14, 1914.

J. W. Cooper, being first duly sworn, on his oath deposes and says that he is a member of the Crow Tribe of Indians and has resided on the Crow Reservation for 30 years last past; that he is familiar with Crow Indian affairs and has kept posted on the Indians and their progress; that he knows Helen Pierce Grey and has talked with her frequently during her last (recent) visit to the reservation; that while the said Helen Pierce Grey was here recently affiant heard her say on two or three different occasions, in the presence of other members of the tribe, that Mr. Harris, secretary for the Congressional Indian investigation committee, was "crooked"; that he was no man at all; that he "stood in" with Agent Scott and the "clique" and was only the political

manager for Senator Robinson. Affiant further states that he worked with the said Mrs. Grey in previous years and found her to be irresponsible, and believes she was not working for the Indians' interests, but for her own private gain; also in the interest of grafters. Affiant further states that the said Mrs. Grey has drank whisky in his presence.

J. W. COOPER.

Witness:

E. M. HAYNIE.

Subscribed and sworn to before me and witnessed this 14th day of January, 1914.

JAMES E. JENKINS,
United States Stock Inspector.

Mr. SCOTT. As an indication of the experience of our office with Mrs. Grey—

Senator LANE. What do you mean by "our office"?

Mr. SCOTT. The Crow Indian Agency office. I will state that in the year 1907 Mrs. Grey was put off of the Crow Reservation by order of the Secretary of the Interior. Later on she was prosecuted for returning. I have here—

Senator LANE. For what?

Mr. SCOTT. For returning.

The CHAIRMAN. Is that within your knowledge, or are you testifying to things you heard?

Mr. SCOTT. I have here the original telegram.

The CHAIRMAN. How do you know it is original?

Mrs. GREY. He gets that from Dalby, the attorney for Heinrich.

The CHAIRMAN. Mrs. Grey, you keep still.

Mr. SCOTT. I got that from our files.

The CHAIRMAN. You have no means of verifying and knowing whether it is correct or not?

When did you first go to the Crow Agency?

Mr. SCOTT. I arrived there June 27, 1910.

The CHAIRMAN. What is the date of that telegram?

Mr. SCOTT. The date of that telegram is June 3, 1907.

The CHAIRMAN. Where were you when that telegram was sent?

Mr. SCOTT. I was in Colorado.

The CHAIRMAN. Are you willing to swear—and you understand you are swearing now—that telegram was sent and that you know it to be a correct copy of the original telegram that was sent?

Mr. SCOTT. I can not do that; I can merely testify that I found this telegram in our official files.

The CHAIRMAN. Oh, very well. You are to understand that that is not competent testimony anywhere in the world. Let it go in, however.

(The telegram here submitted by Mr. Scott is as follows:)

[Received at 5.15 p. m., 6/3, 1907.]

WASHINGTON, D. C., June 3, 1907.

REYNOLDS, *Agent Crow Agency:*

It being judgment [probably evident] that the continued presence Helen Pierce Grey in the Indian country on the Crow Reservation is detrimental to the peace and welfare of the Indians, I hereby direct, with the approval of Sec'y of the Interior that you remove said party from the Crow Indian Reservation under and in accordance with the provisions of section twenty-one hundred and forty-nine of the Revised Statutes of the United States.

LARIBEE, *Actg. Commr.*

Approved:

GARFIELD, *Secy.*

The CHAIRMAN. Just state when you offer those things what your knowledge in connection with them is, Mr. Scott. You do not want to be put in the way of swearing that you know they are correct, do you?

Mr. SCOTT. All right, sir; no.

My object in introducing these things is to bring the attention of the commission—to call their attention to the fact that Mrs. Grey's visit to the Crow Reservation has worked incalculable injury to that tribe?

Senator LANE. In what way?

Mr. SCOTT. She set them back; they have stopped work; they have failed to make any progress.

Senator LANE. I want to ask you right there: Up until that time had their condition been improving?

Mr. SCOTT. Up until the time of Mrs. Grey's arrival, last September, they had steadily improved from the time that I went there. They were getting along very amicably; there were no factions among them; they were working each year a little more.

Now, it will be remembered that last night the question came up as to whether they were making any progress, and some criticism was expressed as to why we did not show an increase of land cultivated each year. I want to call attention to the fact that we have the same number of people working each year; that is, there are the same number of farmers or able-bodied Indians on the reservation. They will do about so much, and while we urge them all the time to increase their acreage it is, as all of us who know anything about Indians are aware, a very slow process, and when anything comes in to distract their attention and to agitate them—get them excited—they simply quit work.

I am very sorry that this commission did not visit that country; I would have been glad to introduce some testimony in support of these statements; to have shown you some things along that line. I would like to have called before you the representative Indians of the tribe—the better men, the men who are going along attending to their own business, and who take no stock in this sort of thing. I would like to have called before you the prominent and reliable white men of that country.

Senator LANE. Mr. Scott, right in there, I would like to ask you whether they were prosperous before Mrs. Grey came there—prosperous, healthy, happy race of people, and that they have departed from that condition now?

Mr. SCOTT. They were prosperous.

Senator LANE. They were not healthy.

Mr. SCOTT. They were happy as Indians always will be happy if they have half a chance.

Senator LANE. They were not very healthy if 30 per cent actually were suffering with tuberculosis.

Mr. SCOTT. I did not charge Mrs. Grey—

Mrs. GREY. She was the first one to call it to the attention of Washington, that that was the condition, though.

Senator LANE. Have they prospered in the same proportion that the stockmen have, in the average, who have had the lands leased—financially?

Mr. SCOTT. The Indians have not grown rich.

Senator LANE. Have some of the stockmen?

Mr. SCOTT. Some of the stockmen, I presume, have prospered.

Senator LANE. I would not be surprised that that is why it would be easy to create a disturbance among them. It would not be hard to attract their attention to that fact, nor to disturb them after their attention was called to it.

Mr. SCOTT. The statement was made last night that Mr. Heinrich had four or five times as many cattle on that range as—

The CHAIRMAN. Can we finish with the witness?

Senator LANE. I do not know.

Mrs. GREY. Won't you permit him to put all that stuff in?

The CHAIRMAN. It is not competent under any theory.

Mrs. GREY. Am I going to have an opportunity to answer them?

Senator LANE. All the opportunity you want.

The CHAIRMAN. Very well. Senator Townsend said he wanted to ask you some questions, Mr. Scott.

Mr. SCOTT. I will be either at the Indian Office or the National Hotel.

(Whereupon, at 3.25 o'clock p. m., the joint commission adjourned to meet at the call of the chairman.)

FEBRUARY 3, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The commission met in the office of the Senate Committee on Indian Affairs at 2 o'clock p. m.

Present: Senators Robinson (chairman), Lane, and Townsend; Representative Stephens.

TESTIMONY OF W. W. SCOTT—Resumed.

Senator TOWNSEND. There were one or two matters the other night that I did not quite finish up. I did not suppose you were keeping the witness over for that purpose. They were not anything particularly important.

At a previous hearing on this Crow Reservation matter, it was stated that the schools out there were being supported to some extent by Federal appropriation and to some extent by appropriations from the tribal funds; is that correct?

Mr. SCOTT. That was true at that time.

Senator TOWNSEND. What time was that?

Mr. SCOTT. At the time of that period.

Senator TOWNSEND. A year ago?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. Is it true now?

Mr. SCOTT. No, sir.

Senator TOWNSEND. When was the change made?

Mr. SCOTT. For the fiscal year 1914.

Senator TOWNSEND. So this year that plan has been discontinued?

Mr. SCOTT. This year all salaries are paid from the Indian fund; that is, the salaries of all the school employees.

Senator TOWNSEND. You have just one account of the moneys expended, and that is from the Government fund which is appropriated by the Congress?

Mr. SCOTT. Under a treaty agreement the Government was to furnish and pay the salaries of certain agency employees—the miller, the doctor, the blacksmith, and the carpenter—those we know as “treaty positions,” and are paid from the appropriation by the Government.

Senator TOWNSEND. Well, for a season, then, they were paid partially out of the tribal funds, were they not?

Mr. SCOTT. Not those positions.

Senator LANE. Not what?

Mr. SCOTT. The positions that I had just mentioned never have been paid from the tribal funds, so far as I know of; certainly not since I have had charge of the reservation.

Senator TOWNSEND. What was the object of discontinuing the method of employing or paying for some of these places out of the tribal funds?

Mr. SCOTT. I presume the reason for it was that we had a large tribal fund, and there seemed to be no reason why the Government should appropriate money to carry on the work while the Indians themselves were abundantly able to pay for the employees who operated the school for their own children.

Senator TOWNSEND. What is your opinion, Mr. Scott, as to the advisability of purchasing cattle for the Indians and putting them on as tribal herds—running them all together?

Mr. SCOTT. I feel that it is a matter that, so far as being a matter of money is concerned, we will make more of them if they are held as a tribal herd; as matter of advancement of the Indians, the development of their business capacity, I would say that they should be distributed among them.

Senator TOWNSEND. Each one have his own herd?

Mr. SCOTT. Each Indian made responsible for his own herd.

Senator TOWNSEND. That is the great object of the administration, to develop the Indian, is it not?

Mr. SCOTT. I so consider it.

Senator TOWNSEND. Do you know what the policy is now in reference to that matter—what has been adopted with reference to it?

Mr. SCOTT. My understanding is that the policy of the department is to hold the herd intact; that is, to hold it as a common herd, at least for the present.

Senator TOWNSEND. Believing that they can make more money for the tribe in that way; is that their reason?

Mr. SCOTT. Partially, and also with the idea that the cattle can be better protected; that they can be protected from slaughter and from surreptitious selling.

Senator TOWNSEND. By whom?

Mr. SCOTT. By the employees who have charge of the herds.

Senator TOWNSEND. I mean the sale and slaughter.

Mr. SCOTT. The sale by the Indians themselves? If an Indian has a herd of his own cattle he is very prone to turn it into cash—to slaughter the cattle, when in need of meat, and it is impossible to prevent that entirely.

Senator TOWNSEND. Does he have any right to do that? Can an Indian sell his cattle if he wishes?

Mr. SCOTT. We hold that he has not; that he has no right to dispose of any stock or any property that is purchased with trust funds.

Senator TOWNSEND. But he is violating that rule, is he?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. To great extent?

Mr. SCOTT. It has been violated very largely; yes, sir.

Senator TOWNSEND. To whom does he sell?

Mr. SCOTT. Principally to the butchers in the neighboring towns, but the greater amount of the killing is done for meat for the Indians themselves. When an animal is slaughtered they divide it—divide it out among a number of families. No Indian ever keeps an entire carcass for his own use.

Senator TOWNSEND. Where they do sell to the outside butchers—"neighboring butchers," I think you called them—and when you learn about the sale, what do you do about it?

Mr. SCOTT. We have called them up and warned them against it, but it is almost impossible to do anything. I do not know that we could prosecute even if we could prove the fact.

Senator TOWNSEND. You do not think there is any law for prosecuting them?

Mr. SCOTT. The cattle are stolen at night, you know, and the practice is to sink the hides in the river, and it is very difficult, indeed, to detect it.

Senator TOWNSEND. For instance, here is a reservation Indian whom you allow to have money to buy a team with. Supposing he trades that team off, do you not go and look after it and get it back?

Mr. SCOTT. Yes; we do that.

Senator TOWNSEND. There is a law for that, is there not?

Mr. SCOTT. I have always asumed we have the right to do that.

Senator TOWNSEND. Do you think there is a different law that applies to property of that kind—for example, a team—than applies to cattle?

Mr. SCOTT. No, sir; I would think that it would be the same.

Senator TOWNSEND. Have you, during your administration, made any attempt to punish these "neighboring butchers" or anybody else for purchasing stock of the Indians?

Mr. SCOTT. Oh, yes; we do that all the time; we are watching for it all the time.

Senator TOWNSEND. You have made prosecutions?

Mr. SCOTT. We have. In one instance we prosecuted and convicted, and the parties were sentenced, but were paroled and no sentence was enforced; but, as I say, the great bulk of the stock that is killed is killed for the use of the Indians themselves. We of course occasionally issue permits for the sale of cattle; that is, allow the Indian to sell to the butchers, give him the written form, authorizing a butcher to buy a certain-described animal, bearing certain brands, and on that blank there is a form for return—statement of the purchaser as to what he bought and what he paid for it—and that return blank is filed with our permits.

Senator TOWNSEND. Do these Indians ever sell to the big stockmen out there?

Mr. SCOTT. No, sir; the stockmen would not buy from them.

Senator TOWNSEND. Do any of the cattle of the Indians pass into the hands of the stockmen?

Mr. SCOTT. No, sir; I am satisfied they do not, and I can tell you why: There has been occasionally a charge that the stockmen have misbranded cattle, and it is to avoid anything of that kind. We never issue a permit to an Indian and do not allow him to sell stock to anyone to be run on the reservation under other ownership. The permits read that the Indian may sell for immediate slaughter or shipment, but not to run on the reservation; that is to avoid the confusion that might arise from animals bearing the ID brand running at large, belonging to some one else.

Senator TOWNSEND. Did you state the other night, Mr. Scott, about how many stock the Indians on the Crow Reservation had?

Mr. SCOTT. Yes.

Senator TOWNSEND. I thought you did. Can you repeat now how many?

Mr. SCOTT. Our last return was from 1,400 to 1,500.

Senator TOWNSEND. About how many Indians own these 1,400 or 1,500 cattle?

Mr. SCOTT. There are two or three who own quite large herds, a hundred or more, and the others are divided among different Indians, a great many owning two or three or half a dozen, and so on; but there are only a few, perhaps a dozen, who have herds of any importance.

Senator TOWNSEND. Do they have their allotments for their pasturage fenced separately?

Mr. SCOTT. No, sir; the cattle run at large.

Senator TOWNSEND. The cattle run at large?

Mr. SCOTT. Yes. You understand, the lands allotted to the Indians are supposed to consist of half allotments in irrigable or agricultural lands and one-half grazing lands; naturally these two classes of lands do not lie together, and no one Indian has enough grazing land to maintain any considerable herd of cattle.

Senator TOWNSEND. That is what I was leading up to. Supposing it was agreed by the department that each Indian should have his own herd of cattle—

Mr. SCOTT. Yes.

Senator TOWNSEND. Would he have enough land of his own to support that herd if it was of any considerable number, say 20?

Mr. SCOTT. No, sir; he would not. They would have to run on the open range as they do now.

Senator TOWNSEND. Could they run these cattle on the tribal lands and occupy it to advantage to the Indians?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. But the herds of the individual Indians would have to be mixed?

Mr. SCOTT. Yes; they would have to run together.

Senator LANE. Well, Mr. Scott, are they any differently situated in that respect than are the lessees? Is not that true of the lessees—they do not have any lands of their own, do they—enough to run their herds on?

Mr. SCOTT. The lessees have certain pastures and they confine their herds to those pastures.

Senator LANE. Could not that be done with the Indians, too?

Mr. SCOTT. Yes.

Senator LANE. That is what I thought. The situation is about the same. Go ahead.

Senator TOWNSEND. When they sell their cattle for shipment, who is the purchaser?

Mr. SCOTT. They are shipped by the lessees with their stock, under a provision of the lease or permit?

Senator TOWNSEND. That is, if a lessee ships several carloads of cattle, he includes in the carload some of the Indians' cattle?

Mr. SCOTT. Yes, sir; in rounding up cattle for shipment all the Indian stock that is ready for market is carried right along with it and tallies are made of it and it goes to market. The commission men return the proceeds of sale to us and they are paid over to the Indians at once.

Senator TOWNSEND. Are they weighed separately—the Indians' cattle?

Mr. SCOTT. Each—

Senator TOWNSEND. Are they separated from the herds of the lessees of the stockyards or at any other place?

Mr. SCOTT. Oh, yes; each animal is—the value of each animal is returned separately with a statement as to the amount—the charges, freight, yardage, etc., and the brand.

Senator TOWNSEND. What I want to get at is, you weigh each one of the animals separately?

Mr. SCOTT. We do not; no, sir.

Senator TOWNSEND. Who does?

Mr. SCOTT. They are weighed in Chicago in the market.

Senator TOWNSEND. They do not weigh at Chicago the individual cattle, do they? They run them in onto the scales to the extent the scales or dock will hold, do they not?

Mr. SCOTT. My understanding of that is that they—and I gather it from their returns—that so many cattle are of such weight, and they are valued accordingly—the cattle are handled exactly as are those of the lessees, in that respect.

Senator TOWNSEND. I see that, but let us take a practical example. You have 300 head of cattle out there on the range and I have 20 head, and they are put into the cars and shipped to Chicago all together. How do I know what my 20 weigh, except as an average? If you had a hundred and I had 20, do I get twenty-one-hundred-and-twentieths of the weight of the cattle; is that it?

Mr. SCOTT. I am unable to say just what the process is there. I have noticed in the market reports of the receipt of cattle, so many cattle from, say, Frank Heinrich, weighing so much; so many from the same man weighing another amount. Now, how they arrive at that weight, I am unable to say.

Senator TOWNSEND. Are those cattle usually sold at Chicago?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. Do you know who the purchaser is at Chicago?

Mr. SCOTT. There is a certain commission company to whom we ship there. I can not recall the name just at the moment.

Senator TOWNSEND. Are they all shipped to the same commission merchant there?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. Are you, as agent for the Indians, positive that you are getting the best price that could be obtained for the Indians' cattle by such a process as that, and have you any way of checking up or knowing whether or not that is so?

Mr. SCOTT. Only by the market reports, and that is one advantage of shipping with the lessees, we get the benefit of the highest price paid.

Senator TOWNSEND. We hear all kinds of rumors, Mr. Scott. I want to ask you if you have ever heard that there was any collusion between any of these big stockmen out there and these commission merchants, like Armour & Co., or any concern in Chicago or elsewhere?

Mr. SCOTT. I have never heard that suggested before.

Senator TOWNSEND. You have never sent anybody with the cattle?

Mr. SCOTT. No; we have not.

Senator LANE. Are they in any way connected in business or have any business relations with one another—these packers who purchase cattle in Chicago and the lessees who raise the cattle on the reservation and run them on the reservation?

Mr. SCOTT. I do not know of any connection. I know that some of the lessees ship to different points.

Senator LANE. Take Heinrich, for instance. He is your largest lessee, is he not?

Mr. SCOTT. No; the Spear Bros. are the largest shippers. They ship sometimes to Chicago and sometimes to Seattle.

Senator LANE. How about Heinrich; is he in any way connected with these packers or associated with them?

Mr. SCOTT. Not to my knowledge.

Senator LANE. You were speaking about schools a while ago. You say the Indian children are, or are they not, welcome into the public schools?

Mr. SCOTT. No.

Senator LANE. They are not?

Mr. SCOTT. The public-school authorities object to receiving them.

Senator LANE. For what reason?

Mr. SCOTT. They take the ground that an Indian or a member of an Indian tribe is not entitled to the privileges of the public schools.

Senator LANE. And are the Indians taxed for the support of those schools?

Mr. SCOTT. We have very few Indians who pay taxes.

Senator LANE. Is that the only objection made against them?

Mr. SCOTT. Such taxes as they pay naturally would be their proportion of the public-school fund.

Senator LANE. Are those Indians who have allotments citizens or not?

Mr. SCOTT. Some of our Indians are citizens—about 425, but they have never exercised the right of franchise, from the fact that we have no voting precinct in that part of the country.

Senator LANE. They are scattered all around over the reserve, are they—these citizens' children?

Mr. SCOTT. Yes, sir.

Senator LANE. They are not objected to except on account of the expense they would put the county to; is that the only objection made to their admission into public schools or not?

Mr. SCOTT. Well, there is objection by some on the ground of health and also on the ground of moral inclination.

Senator LANE. Are the Indians not so healthy, do they claim, or more healthy?

Mr. SCOTT. They are not so healthy as the white children.

Senator LANE. And their morals are not so good, they claim?

Mr. SCOTT. Yes, sir.

Senator LANE. What is your opinion in relation to those two objections?

Mr. SCOTT. I think that claim is correct.

Senator LANE. You think that is right?

Mr. SCOTT. Yes, sir.

Senator LANE. They are not so healthy nor are they so moral?

Mr. SCOTT. No, sir.

Senator LANE. And their habits are not so cleanly; is that objected to?

Mr. SCOTT. No; it is reasonable to suppose that they would be neither so healthy nor of as high moral character, nor of as cleanly habits.

Senator LANE. Why would that be reasonable?

Mr. SCOTT. Because they would not have the training; their home conditions are entirely different.

Senator LANE. How long have these Indians been a public charge and confined to a reservation—this band of Indians of whom you are superintendent?

Mr. SCOTT. Many years.

Senator LANE. How many, do you suppose?

Mr. SCOTT. Forty years. The agency, I think, was first established some 40 years ago.

Senator LANE. Then, you know from your experience with Indians whether their health is better or worse than it was when the Government first took charge of them?

Mr. SCOTT. I have only been familiar with the Crows during the past three and a half years, and I think the health of the Indians generally is distinctly better than it was at that time.

Senator LANE. Forty years ago?

Senator TOWNSEND. Three and a half years ago.

Mr. SCOTT. Yes.

Senator LANE. How do you think it would compare with 40 years ago?

Mr. SCOTT. I only know by the fact that the membership of the tribe has steadily increased during that time.

Senator LANE. Morally what do you think about it, comparatively speaking?

Mr. SCOTT. I think the morals are no better now than they were 40 years ago.

Senator LANE. There is, then, this complaint against them, that they are not cleanly and that they are not so healthful, and also that they are not so moral, and that the white children would suffer in those respects if brought into association with the Indians?

Mr. SCOTT. You might add to that the fact that the school facilities for the whites on the reservation are so limited that if the

Indians were permitted to attend the schools there would not be room for them.

Senator LANE. There are some of these Indians who do pay taxes for the support of schools?

Mr. SCOTT. There are some of the Indians who pay a small amount of tax.

Senator LANE. Do their children go to school?

Mr. SCOTT. No, sir.

Senator LANE. They are excluded for the same reasons that the others are?

Mr. SCOTT. Yes, sir.

Senator LANE. There have been statements made—all we want here is to find out the facts, Mr. Scott, without prejudice—to the effect that the lessees do sublease their land in some cases, also that there is a pretty close business association between the large interests who purchase cattle in the large stock markets at Chicago and elsewhere.

Mr. SCOTT. As to the subleasing, the Spear Brothers have taken on a number of sheep. We have not considered that a sublease, and the fact that they do not set aside any certain proportion of the range, but merely took in the sheep, allowed them to run in lieu of that many cattle, the sheep man paying into the office his proportionate share of the rental.

Senator LANE. Individually?

Mr. SCOTT. Yes, sir.

Senator LANE. Separate from the man who has the lease?

Mr. SCOTT. He is paying it into the office separately.

Senator LANE. Without a lease or permit?

Mr. SCOTT. Without a lease.

Senator LANE. Or permit?

Mr. SCOTT. And with no agreement on file in the office, merely an understanding. That understanding and practice has been in effect, I am unable to say how long. It was in effect when I went there.

Senator LANE. And has been going on continuously since you have been there?

Mr. SCOTT. Has been going on continuously.

I want to add to that, so far as I have been able to ascertain—and I have been at some trouble to make the inquiries—none of the other lessees have any such arrangement.

Senator LANE. None of the others?

Mr. SCOTT. None of the others.

Senator LANE. And this then must be in the nature of a private agreement?

Mr. SCOTT. It is a private agreement—

Senator LANE. If I understand you.

Mr. SCOTT. That has been acquiesced in by the office.

Senator LANE. I beg your pardon.

Mr. SCOTT. It is a private agreement that has been acquiesced in by the office. Mr. Spear's contract provides that he shall pay for a certain minimum number of cattle at a certain rate—\$2.57 per head. Well, it has not been for the most part practicable for him to run the minimum amount of cattle and for that reason he has taken in this sheep man.

Senator LANE. To help him use the range?

Mr. SCOTT. To help him use the range. I know of no arrangement whatever between the lessees and the commission houses, and would be very much surprised, indeed, to know that there is such an arrangement.

Senator LANE. Between them and the packing companies, such as Swift & Armour?

Mr. SCOTT. I know of no such arrangement at all.

Senator LANE. I beg your pardon.

Mr. SCOTT. I know of no such arrangement. Our lessees are men of high standing, and it would require very substantial proof to convince me that they resort to trickery for the purpose of making a few dollars at the expense of the Indians.

Senator LANE. I will ask you whether or not any of these lessees who run sheep or cattle on the range, have been connected up in a business way with the large packing interests, say, at Omaha, or elsewhere, that you know of?

Mr. SCOTT. The Spear Bros., I understand, are backed by Omaha capital. Just what the connection is, I am unable to say. I know that Mr. Bostwick, who, as I said recently has been president of the Spear Bros. Cattle Co., is or was in the banking business at Omaha.

Senator LANE. What bank was he in?

Mr. SCOTT. I do not know.

Senator LANE. Do you know whether or not that bank is a bank belonging to the packing companies, the largest part of the stock of the bank being held by the packers?

Mr. SCOTT. I do not know who holds the stock.

Senator LANE. If we show that the bank was a subsidiary corporation in close business association with large packing companies, and that Bostwick and the Spear Bros. were being backed by that bank in their handling of the range and the cattle on the range, and then their cattle and the Indians' cattle together were shipped to Omaha or Chicago, and sold to these identical packers at the price set by themselves—as I understand, you do not set the price, do you?

Mr. SCOTT. The price is controlled by the market.

Senator LANE. The market is controlled by the large packers, is it not? Then it would be a case where the large packing company would be controlling both ends of the situation, would it not?

Mr. SCOTT. I would consider that a very undesirable combination.

Senator LANE. That, however, would be a hard and fast combination, would it not?

Mr. SCOTT. Yes; but I have every reason to believe that the Spear Bros. have no connection, other than as cattlemen, with the bank. In the handling of large herds it is necessary for them to borrow very largely. Their investment represents an immense sum of money. They are unable to carry it without occasionally calling on the banks. A short time ago Mr. Willis Spear, who is the principal manager of Spear Bros. in Montana, told me that in order to stock a certain range that he was trying to lease it would be necessary for him to borrow a large sum of money, and that the way the money market was at this time he was very doubtful about being able to do it. The Spear Bros. Cattle Co. has recently been dissolved. The younger brother, William Spear, retiring, and another partnership being formed; and as to whether Mr. Bostwick is president of the new organization, that I do not know. I have not seen their papers.

Senator LANE. What connection has Bostwick with the reservation other than as a lessee?

Mr. SCOTT. None. He is not connected as a lessee.

Senator LANE. He was not?

Mr. SCOTT. My understanding is that they merely carried the paper of this cattle firm.

Senator LANE. Spear Bros.?

Mr. SCOTT. Yes; that they loaned to them when necessary, and that that is all the connection that I have known between them.

Senator LANE. You do not know, then, whether or not the "Beef Trust," as it is called—the large packing combine—are the actual lessees operating on your reserve, through these other men, who are their agents and partners?

Mr. SCOTT. I have good reason to believe they are not, from the fact that the Spear Bros. are cattlemen, pure and simple. They have lived on the reservation, or in the States of Montana and Wyoming, all their lives, and have grown up from a small beginning to the best proportion of their business.

Senator LANE. The Indians, to the number of about 100, have signed a complaint asking that Heinrich be removed from the reservation. Do you know anything about that?

Mr. SCOTT. There has been quite a prejudice against Heinrich. As I stated the other night, a very large part of the Indians of the reservation live on the range that is occupied by Heinrich. Naturally there is more or less friction between them, Heinrich accusing them of killing his cattle—

Senator LANE. Accused them of what?

Mr. SCOTT. Accuses them of killing his cattle and of various other things, and an ill feeling has grown up in that way.

Senator LANE. Then, after the Indians preyed upon his cattle and ate them; I presume that is what you mean?

Mr. SCOTT. Yes, sir.

Senator LANE. They would not, in the very ordinary course of reasoning, be anxious to get rid of him on that account. They would not lodge that as a complaint against him, would they, with any show of reason?

Mr. SCOTT. The feeling against him has grown until it is quite serious. It originated, I think, in the prosecution of some Indians, I think, by Heinrich for cattle killing.

Senator LANE. For cattle killing?

Mr. SCOTT. Yes. And I want to say that this feeling has been worked up by the Indians who had their grievance against him, whether real or fancied, and it is characteristic of the Indians to all go together.

Senator LANE. But they never charged that, as alleged, as a cause for his removal, that they were killing his cattle?

Mr. SCOTT. Oh, no.

Senator LANE. Do they not allege, on the contrary, that he was driving away their cattle?

Mr. SCOTT. There has been two or three cases where charges of misbranding have been preferred. We have, in each case made a very thorough examination, and have discovered nothing whatever to substantiate the charge; and, in fact, the charge has been clearly disproven. As I said a while ago, Mr. Heinrich could not afford to

trick the Indians to make a few dollars. He could not afford to go out and brand a calf that does not belong to him, and turn it loose on the range where it would be sure to be discovered, just for the possibility of gaining possession of that calf. It is unreasonable to suppose that he would do a thing of that kind. We have very carefully and very thoroughly examined into all these cases.

Senator LANE. The Indians, you say, have refused to work upon the fence. I understood you to say that the other night.

Mr. SCOTT. They did for quite a while. We delayed the work for two or three weeks trying to get them to work.

Senator LANE. Did you delay paying them their annuities until they did go to work?

Mr. SCOTT. No, sir; that has nothing to do with it.

Senator LANE. There has been some complaint made by the Indians that something of that sort happened.

Mr. SCOTT. It has been customary to make a fall annuity payment, but it was not made this fall.

Senator LANE. Why did you defer that payment last fall? Did you have the money to pay it with?

Mr. SCOTT. No.

Senator LANE. What was the reason, Mr. Scott?

Mr. SCOTT. We had to use quite an amount of money for irrigating purposes. I requested the office to furnish me with funds sufficient to make a \$25 payment, and was advised—

Senator LANE. \$25 per capita?

Mr. SCOTT. Yes, sir; and was advised that the money was not available at that time.

Senator LANE. When was this—when did you do that?

Mr. SCOTT. That was about the 1st of November.

Senator LANE. When do you usually pay that annuity?

Mr. SCOTT. Usually in November or December.

Senator LANE. And about that time you began to spend the money, you say, for irrigation?

Mr. SCOTT. We had, owing to some damage to the ditches by flood—we had been obliged to use quite an amount of Indian money.

Senator LANE. Annuity money?

Mr. SCOTT. No. Well, it is money—it is from the same fund from which the annuity is paid or part of the annuity. Under an agreement with the Indians we pay them part from the proceeds of the sale of ceded lands, and partly from Indian moneys, from a fund that we call "Indian moneys, proceeds of labor," which includes the grazing moneys.

Senator LANE. At this time, then, when you set aside this money to pay for damages done to the irrigation ditches, I understood you to say that you did not have enough money on hand to also pay them their annuities?

Mr. SCOTT. No, sir; I think not.

Senator LANE. Are you real sure? Did you inquire?

Mr. SCOTT. I made requisition on the office for the money.

Senator LANE. At that time?

Mr. SCOTT. At that time.

Senator LANE. For the purpose of paying the annuity?

Mr. SCOTT. For the purpose of paying the annuity, and was advised that we did not have the money. A part of that money is

expended from the Indian Office direct. It does not all come through our office, and consequently I could not know at that time just what we had.

Senator LANE. Do the annuities come to you to be paid out always?

Mr. SCOTT. Yes, sir.

Senator LANE. You handle the annuities?

Mr. SCOTT. Always.

Senator LANE. And also the money for paying for irrigation repairs?

Mr. SCOTT. Yes, sir.

Senator LANE. In the last analysis, you handle the moneys there?

Mr. SCOTT. Yes, sir.

Senator LANE. You being in closer touch with the Indians than anyone else naturally know their needs. You stated here a day or two ago that the Indians this season would go into the winter under distressed conditions for lack of funds, for lacks of means to carry them through the winter, I understood you to say?

Mr. SCOTT. I think I did not use the word "distressed."

Senator LANE. I understood you to say "short."

Mr. SCOTT. Broke, or something of that kind.

Senator LANE. "Broke"; that is a distressing condition.

Mr. SCOTT. We paid no annuity, and they refused to work for wages; consequently they had no money, except such as came to them from the sales of land and from private lessees—the lessees of allotted lands.

Senator LANE. Private persons, in small tracts?

Mr. SCOTT. Yes, sir.

Senator LANE. Having failed to plow and to work and earn the money during the summer and fall season, they were, as I understood you to say the other day, entering upon a winter season when they needed money with less money than was necessary to carry them through with comfort?

Mr. SCOTT. Yes, sir.

Senator LANE. And just at that time you were anxious to get them at work on the fence, and also just at that time the annuity did not come along or failed to arrive, so that added to the condition of their want, did it not?

Mr. SCOTT. Yes, sir—yes; were it not for the fact that the traders extend credit, we would be obliged to help them.

Senator LANE. In the case they got into great distress, and assuming that the traders refused to extend credit, would these Indians starve before they would get that annuity, or could you hustle around and secure it for them?

Mr. SCOTT. We would have to see that they got something to eat. We always do that in individual cases of want that occur occasionally.

Senator LANE. Have you any idea when that annuity will be paid to them?

Mr. SCOTT. No, sir; I expect to take the matter up with the commissioner.

Senator LANE. Have you inquired since you have been here?

Mr. SCOTT. No; I have not had a conference with the commissioner.

Senator LANE. Have you seen him?

Mr. SCOTT. Only for a moment.

Senator LANE. Only for a moment since you have been here?

Mr. SCOTT. Yes, sir.

Senator LANE. Have you seen anyone else in the office?

Mr. SCOTT. Not about that.

Senator LANE. About any other business?

Mr. SCOTT. Oh, yes.

Senator LANE. And you did not inquire concerning that?

Mr. SCOTT. Not as to the annuity, because I wanted to take it up with the chief.

Senator LANE. It is stated by the Indians that this line of fence makes a jog of a mile or two or several miles, and then comes around and incloses or fences off from the reservation practically lands which are now either owned or held by one of the big cattle companies, and apparently makes that jog from a straight line to include those properties, and then goes on in a straight line again; what about that?

Mr. SCOTT. The only jogs made in the line are to reach a country—are to accommodate that fence to the contour of the country, or to take in on the Indians' side certain water courses.

Senator LANE. For the purpose of taking in water for the benefit of the Indians?

Mr. SCOTT. For the benefit of the Indians; yes, sir.

I have a map, if you would care to see it, showing all that.

Senator LANE. Is it like this one [indicating blue print map presented by Mrs. Grey] or larger?

Senator TOWNSEND. I notice sometimes you speak of the "Henry" lease and again of the Heinrich lease; are they both the same?

Mr. SCOTT. The name is spelled "H-e-i-n-r-i-c-h," but is pronounced "Henry."

Senator TOWNSEND. I thought it was the same person, but I was not sure.

Mr. SCOTT. Would you care to look at this [indicating map]?

Senator LANE. Yes; suerely we want to see about that fence.

Mr. SCOTT. There is the fence [indicating on map] and this is the jog to the south.

Senator LANE. How many miles?

Mr. SCOTT. As I remember it—I drew that from memory, and am not absolutely sure it is correct—but the fence does jog down here to take in this water.

Senator LANE. Takes in this water here?

Mr. SCOTT. Yes, sir.

Senator LANE. The land lying on the other side, who does it fence out and form a line of fence for, any private person?

Mr. SCOTT. I do not know.

Senator LANE. Have you ever ridden over that line?

Mr. SCOTT. Not entirely.

Senator LANE. Who checks it for you?

Mr. SCOTT. Mr. Jenkins.

Senator LANE. And who is Mr. Jenkins?

Mr. SCOTT. Mr. Jenkins is stock inspector, designated by the commissioner to build the fence, the line—the location of the fence.

Senator LANE. This [indicating blue-print map] seems to be the same thing you have there?

Mr. SCOTT. Yes.

Senator LANE. Some one has run this off down at the office, I suppose?

Mr. SCOTT. That is the same thing.

Senator LANE. Where is this Heinrich land?

Mr. SCOTT. I do not know where Heinrich's line is.

Senator LANE (to Mrs. Grey). Do you know where it is?

Mrs. GREY. Yes.

Mr. SCOTT. The location of the fence was decided upon by a board appointed by the Secretary and the Commissioner of Indian Affairs.

Senator LANE. Do you know where Joe Cooper's land is?

Mr. SCOTT. Yes; approximately. I do not remember the section.

Mrs. GREY. Here it is on the map [indicating].

Senator LANE. And it forms a line of fence?

Mrs. GREY. Yes; there is a line of fence.

Senator LANE. From this main line? Does it jog to get to that?

Mrs. GREY. No; it is an air line. Then, Heinrich has got quite a lot in here [indicating], I think, and I think he owns quite a lot in here [indicating].

Mr. SCOTT. Heinrich owns land on both sides of the fence.

Senator LANE. All right, now. Then, it seems to me—

Mrs. GREY. The fence makes an actual boundary of Heinrich's land. It actually fences the land a long distance.

Senator LANE. The Indians, as I understood you to say, have less cattle now than they had a number of years ago?

Mr. SCOTT. Yes, sir.

Senator LANE. They are in almost a condition of want at this time?

Mr. SCOTT. They are out of money.

Senator LANE. Why? Buying on credit?

Mr. SCOTT. They are well provided for in other respects; that is, they have—they are well clothed. They have plenty of agricultural implements, plenty of horses.

Senator LANE. But food supplies—

Mr. SCOTT. But their food supply is short.

Senator LANE. Then, I will modify that statement. They have fewer cattle than they formerly had?

Mr. SCOTT. Yes.

Senator LANE. Their health is not so good or no better?

Mr. SCOTT. I think their health is no worse; in fact, I believe it is better.

Senator LANE. Better, you think?

Mr. SCOTT. I think so.

Senator LANE. But not good enough so the whites want them to associate with their children, for fear they will be contaminated with disease; the Indians have a larger percentage of tuberculosis than the white children?

Mr. SCOTT. Yes.

Senator LANE. And also trachoma?

Mr. SCOTT. Yes.

Senator LANE. They are a little short of food. Their condition, then, evidently has not been improving?

Mr. SCOTT. Their condition has improved steadily since I knew them until this past—until this time. It is characteristic of the Indian to spend his money as fast as he gets it.

Senator LANE. Mr. Scott, about that right there—

Mr. SCOTT. If the source of supply is cut off, they soon run out of money.

Senator LANE. From your experience in life, not as an Indian agent or superintendent, is not that the natural tendency of most people, to spend their money?

Mr. SCOTT. I think it is not as pronounced as with the Indians.

Senator LANE. I think perhaps that is true. The Indian does not pay as much heed or have as much regard for money as most of the whites.

The Indians claim that this fence gives the majority of the water to Heinrich and that the Indians' range, in the event that you purchase this herd of cattle, will be, comparatively speaking, a "dry" range, a range where the cattle will have to go a long distance to get water, and consequently not so advantageous, and will be a poor range for cattle. Do you know whether that is true or not?

Mr. SCOTT. That is not true.

Senator LANE. That is not true?

Mr. SCOTT. No, sir.

Senator LANE. Mrs. Grey, you wanted to ask Mr. Scott some question. Do you care to do that now?

Mrs. GREY. Yes. Mr. Scott, you say that Mr. Bostwick is just a cattleman?

Mr. SCOTT. No; I did not say that.

Mrs. GREY. Is he not a very big banker?

Mr. SCOTT. I said that Mr. Bostwick was a banker; I did not say that he was a cattleman.

Mrs. GREY. He is the man who has the money that is in the Spear Bros. Cattle Co., is he not?

Mr. SCOTT. Bostwick was president of the Spear Bros. Cattle Co. at one time. I do not know whether he is now or not. The Spear Bros. Cattle Co. has been dissolved. I understand.

Mrs. GREY. The Spear Bros. Cattle Co. has been dissolved, and it has been reformed, and it is now the Spear-Zimmerman Cattle Co., is it not; and they are all in the company except Willis Spear, who is down on the Powder River?

Mr. SCOTT. The only members of the company that I know are Mr. Willis Spear and Mr. Zimmerman. I do not know who composes that company other than that.

Mrs. GREY. Mr. Bostwick is still a member of the Spear Bros. Cattle Co.?

Mr. SCOTT. I do not know.

Mrs. GREY. In the Rand-McNally's Bankers' Directory, which I got from the library, I found that these [indicating paper] were the members of the bank of which Bostwick was president [handing paper to witness].

Mr. SCOTT (examining paper). Yes. I have no knowledge of that fact at all.

Senator LANE. Read those names so that we may hear who they are, Mrs. Grey.

Mrs. GREY. Mr. Keating is here, and he will remember where we got this list. Mr. Bostwick is the president of the Stock Yards National Bank, South Omaha. The stockholders are J. O. Armour, F. W. Clarke, R. C. Howe, E. M. Morsman, jr., K. C. Barton, H. C. Bostwick, J. C. French, E. C. Cudahy, jr., Barton Millard, E. Buck-

ingham, R. J. Dunham, J. S. King, C. F. Coffee, E. A. Cudahy, jr., J. D. Standish, T. Buck, C. E. Yost.

Senator LANE. These are members of what, do you say?

Mrs. GREY. Of the Stock Yards National Bank, of South Omaha.

Senator LANE. Are they connected with the Spear Bros.?

Mrs. GREY. In examining the testimony that was taken when Inspector Norris was there it was shown that Inspector Norris went to this bank to find out how many cattle both Heinrich and Bostwick run—Heinrich and Spear Bros. run on the reservation. The returns were made from the Rosenbaum Bros. to the South Omaha Stock Yards Bank for both.

Senator LANE. That did not connect them up necessarily?

Mrs. GREY. Yes; Mr. Heinrich did not know until the end of the year how many cattle there were.

Senator LANE. And he received his information from the bank?

Mrs. GREY. From the bank.

Senator LANE. What else have you to ask him?

Mrs. GREY. Mr. Scott, who has No. 6 at the present time?

Mr. SCOTT. Frank Heinrich is running No. 6.

Mrs. GREY. He has 400,000 acres on No. 6, has he not?

Mr. SCOTT. No; there is not 400,000 acres in that.

Mrs. GREY. Then, who has got No. 3?

Mr. SCOTT. The Rae Bros. had No. 3 leased up to the 1st of this month.

Mrs. GREY. Who gets it now?

Mr. SCOTT. It is not leased.

Mrs. GREY. Then, as it stands at present, Spear Bros. and Heinrich control all of the reservation except No. 3, do they not?

Mr. SCOTT. No. 4 is leased to McDaniels.

Mrs. GREY. Just now you said Heinrich had that.

Senator LANE. You said Heinrich leased that; now does he or not?

Mr. SCOTT. Used to.

Mrs. GREY. Has there not recently been a deal between Frank Heinrich and McDaniels by which Heinrich gets that range?

Mr. SCOTT. Not to my knowledge.

Mrs. GREY. You do not know anything about it?

Mr. SCOTT. I know that Heinrich bought some cattle from McDaniels.

Mrs. GREY. Yes; and are not the cattle running down on that range?

Mr. SCOTT. I believe they are. They were the last I knew. McDaniels has failed, I understand, and the matter is in process of adjustment.

Mrs. GREY. And Heinrich has arranged to put the cattle on to that range?

Mr. SCOTT. I do not know about that.

Mrs. GREY. He has an application before the department for it, has he not?

Mr. SCOTT. Not to my knowledge.

Mrs. GREY. You say there are no subleases on the reservation except that of Lee Simonson?

Mr. SCOTT. Yes.

Mrs. GREY. Has Charles Heinrich any cattle running on the reservation?

Mr. SCOTT. Who?

Mrs. GREY. Charles Heinrich?

Mr. SCOTT. Not to my knowledge; I can not tell. There may be some cattle—

Senator LANE. If there were, you would know it?

Mr. SCOTT. He might have cattle on the extreme end of the range, without my knowledge. He owns some land inside the reservation.

Senator LANE. Then he would be a trespasser, would he not?

Mr. SCOTT. If he had cattle outside of the land that he owns, he would. He has a pasture on the south side.

Senator LANE. I know, but if he was on the reserve with cattle he would be trespassing; is that what you understand?

Mr. SCOTT. Yes, sir; unless he was there by some arrangement with the permittee.

Senator LANE. Oh, well, now. I understood that if he did that he would be a sort of a sublessee, would he not, and subletting?

Mr. SCOTT. He would be what?

Senator LANE. He would be there with the permission of the lessee. Would not the lessee have to give you notice to that effect?

Mr. SCOTT. They are supposed to give us notice.

Senator LANE. Do they not forfeit their contract, if they do not?

Mr. SCOTT. Not under the permit; no, sir.

Senator LANE. They can do this under the permit?

Mr. SCOTT. Under the permit.

Mrs. GREY. At the present time, for when the last permits were let there was no restriction on subleasing on any permit on the Crow Reservation?

Mr. SCOTT. No.

Mrs. GREY. Why was the clause taken out of the leases?

Mr. SCOTT. I do not know.

Mrs. GREY. Has E. L. Dana any cattle running on the reservation?

Mr. SCOTT. Not to my knowledge.

Mrs. GREY. Has Jack Kennedy?

Mr. SCOTT. No.

Mrs. GREY. Has Mr. Snidow?

Mr. SCOTT. No.

Mrs. GREY. Has Mr. Booz?

Mr. SCOTT. No.

Mrs. GREY. You are positive of that?

Mr. SCOTT. Mr. Booz has been trying very industriously to get some cattle on the reservation through a private deal with some Indian, and, on the advice of Mrs. Grey, I understand, has taken the matter up with the office, but so far he has not succeeding in getting—

Mrs. GREY. You are positive he has no sublease on the reservation?

Mr. SCOTT. I have such a report from our stockman.

Mrs. GREY. Who would that be—Mr. Campbell?

Mr. SCOTT. No; Mr. Haney made that report.

Mrs. GREY. Where would the cattle be shipped from on those lower ranges on the Heinrich and the Spear ranges?

Mr. SCOTT. They are shipped from different points.

Mrs. GREY. Is Aberdeen on the reservation?

Mr. SCOTT. No.

Mrs. GREY. Aberdeen is not on the reservation?

Mr. SCOTT. We do not ship from Aberdeen.

Mrs. GREY. Aberdeen is on the reservation, is it not?

Mr. SCOTT. I do not know just where the Aberdeen station is.

Senator LANE. I beg your pardon.

Mr. SCOTT. I do not know where the Aberdeen station is.

Mrs. GREY. Is not that where Frank Heinrich always ships from? He ships from Lodge Grass but very seldom.

Senator LANE. Is that where he always ships from?

Mr. SCOTT. We ship from different stations—Lodge Grass, Little Horn Station, and what we call Big Horn Y.

Mrs. GREY. Is not this Aberdeen on the map? [Shows map and points out town marked "Aberdeen."]

Senator LANE. Do you not know?

Mr. SCOTT. I do not.

Senator LANE. You do not know where Aberdeen is?

Mr. SCOTT. I do not know just where the station of Aberdeen is; no.

Mrs. GREY. It could not be below Parkman, could it?

Senator LANE. Just a moment. Could such a place as Aberdeen be shown on the map as on the reserve without your knowing it?

Mr. SCOTT. We do not ship from Aberdeen.

Senator LANE. Could there be such a place as Aberdeen on the reserve without your knowing it?

Mr. SCOTT. It might be merely a whistling point.

Senator LANE. Mr. Scott, Senator Townsend and I have never been on the reservation, and neither of us have seen it, and we know nothing of these descriptions, and when Aberdeen is given as a point on the reservation it seems to me that it could not exist there without your knowing it.

Mr. SCOTT. I do not know just where the station of Aberdeen is; I have never had occasion to locate it at all.

Senator LANE. Did you ever hear of it?

Mr. SCOTT. I never had occasion to stop there.

Senator LANE. Did you ever hear of it?

Mr. SCOTT. I have heard of Aberdeen; there is a pasture down there at Aberdeen.

Mrs. GREY. Is that on the reservation?

Mr. SCOTT. Yes.

Mrs. GREY. Whereabouts?

Mr. SCOTT. In the southern part.

Mrs. GREY. Do you know who the Basin Cattle Co. is?

Mr. SCOTT. No; I do not.

Mrs. GREY. Look at that [exhibiting paper to the witness]. Is that a shipment of cattle from Aberdeen?

(Mr. Scott examines papers.)

Mrs. GREY. You can tell at a glance. You know that it is, do you not?

Mr. SCOTT. It appears to be.

Mrs. GREY. It could not possibly be anything else, could it?

Senator LANE. Let me see it.

(The paper in question was handed to Senator Lane.)

Mrs. GREY. It is a shipment of \$40,000 worth of cattle from Aberdeen.

Senator LANE. Is it or is it not?

Mr. SCOTT. That purports to be a shipment; yes.

Senator LANE. From Aberdeen?

Mr. SCOTT. Yes.

Senator LANE. Which is on the reservation or not?

Mr. SCOTT. As I say, I do not know. It is near the State line, and I am unable to say whether it is on the reservation or off of it.

Senator LANE. Was this shipment made by the Basin Cattle Co.? You know nothing about this, then, at all?

Mr. SCOTT. I know nothing about that.

Senator LANE. But if it was shipped from Aberdeen, it was shipped from within the lines of the reserve; would that be true or not?

Mr. SCOTT. I say I do not know where the station Aberdeen is. It is merely a stockyard.

Mrs. GREY. That is the map of the Crow Reservation [indicating map].

Senator LANE. Just a minute. I do not know whether it is on the north or the south side of the line. Is it on the line of the railway?

Mr. SCOTT. It would be; it is a point that cuts no figure whatever in our business there.

Mrs. GREY. That is Heinrich's principal shipping point; that is on the reservation, you see, and on the Heinrich pasture [indicating].

Senator LANE. It is marked here on the map found in Senate document, volume 27, Sixtieth Congress, first session, 1907-8, Hearings Relative to the Crow Indian Reservation, and there is a point marked here which I want you to identify, if you can—whether these are the lines of the reservation or not, around here, and if that point marked "Aberdeen" there is a station. Do you know where Wyola is?

Mr. SCOTT. Yes, sir.

Senator LANE. And did you ever hear of a place called Little Horn?

Mr. SCOTT. Yes, sir.

Senator LANE. Did you ever hear of Parkman?

Mr. SCOTT. Yes.

Senator LANE. Aberdeen seems to lie between Wyola and Parkman, inside the reserve.

Mrs. GREY. Inside the Heinrich pasture, is it not?

Senator LANE. That would be inside?

Mr. SCOTT. That I take to be the reserve line [indicating].

Senator LANE. Is that now the reserve line?

Mr. SCOTT. Yes, sir.

Senator LANE. If there were cattle shipped from Aberdeen, they would be shipped from inside the lines of the reserve. Would anybody else ship cattle there except lessees?

Mr. SCOTT. They do sometimes; yes, sir.

Senator LANE. They do that?

Mr. SCOTT. Yes, sir: they sometimes ship cattle from the Big Horn Y.

Senator LANE. Did you ever hear—

Mr. SCOTT. They get permission from us to come in and cross the line for the purpose of shipping.

Senator LANE. If they shipped from a station called Aberdeen inside the line, they would have to have permission from you to lawfully do so?

Mr. SCOTT. They could either get that from us or the lessee. It is his grass they would use; and when we have calls for such permits I always refer them to the man who is paying for the grass.

Senator LANE. Then the lessee has a right to give permits also to ship from within the reserve lines?

Mr. SCOTT. He has the right to give permits to allow stock to cross his—

Senator LANE. And be shipped from a station within the reserve lines?

Mr. SCOTT. Yes, sir.

Senator LANE. And does not have to ask you to countersign or O. K. that?

Mr. SCOTT. That is for the convenience of shippers. This point here [indicating] is probably more convenient for people having cattle along here [indicating] in Wyoming, as you see, it is only a short distance inside the line.

Mrs. GREY. Would not they be inspected if brought over the line?

Mr. SCOTT. Yes.

Mrs. GREY. Do they not always avoid that where they can? Would there be any reason for taking the cattle up on the reservation and past another station?

Mr. SCOTT. Oh, yes; that is frequently done.

Senator LANE. They would still be subject to inspection if they got over the line?

Mr. SCOTT. I think they would be; yes. I think the matter of inspection is a very small matter.

Senator LANE. They would not have to come to you for a permit?

Mr. SCOTT. They would not; no.

Mrs. GREY. Then there are subleases on the reservation that you would not know anything about?

Mr. SCOTT. No; that is not a sublease at all.

Mrs. GREY. These people have a sublease on the reservation—the Basin Cattle Co. are leasing what is called the “dry corner” on the reservation, and this was their shipment last August.

Mr. SCOTT. That is merely a statement, Mrs. Grey.

Mrs. GREY. Well, there is their shipment from the reservation.

Mr. SCOTT. Mr. Chairman, I suggest that it is only fair that you should require some proof of the statements made by Mrs. Grey.

Senator LANE. Oh, yes. This is her assertion, you know, and it goes for what it is worth. It would have to be verified.

Mrs. GREY. I submit that for the record—this shipment receipt.

(The paper here submitted by Mrs. Grey is as follows:)

[Rosenbaum Bros. & Co. (Inc.), live stock commission merchants, Union Stock Yards, Chicago, Ill., 9/1, 1913. Sold for account of Basin Cattle Co. Sale No. 37838. Shipped by ——. From Aberdeen.]

Purchaser.	Number and kind of cattle.	Weight.	Off price.	Amount.
Armour.....	212 steers.....	252,210	\$8.00	\$20,176.80
Do.....	20 steers.....	20,730	7.50	1,554.75
S. & S. Co.....	47 steers.....	53,150	7.15	3,800.22
Do.....	55 steers.....	63,950	7.15	4,572.42
Armour.....	11 steers.....	13,540	7.15	968.11
Do.....	5 steers.....	5,750	8.00	460.00
Lawler.....	7 steers.....	7,790	7.50	584.25
Cudahy.....	88 steers.....	87,050	6.60	5,745.30
Armour.....	87 heifers.....	92,980	7.65	7,112.97
Do.....	38 heifers.....	36,060	7.65	2,758.59
S. & S. Co.....	19 cows.....	19,770	6.25	1,334.47
Do.....	1 cow.....	880	5.25	46.20
State board.....	3 steers held.....	3,040	.....	.....
	1 steer (dead).			
	595	656,900	.....	49,120.08

Total.....	\$49,120.08
Railroad charges:	
Freight (including feed on the road).....	\$3,543.94
Yardage.....	148.75
Hay.....	59.40
Fire insurance (10 cents per car).....	2.80
Commission.....	304.33
	4,059.22
Net proceeds.....	45,060.86
	120.00
	45,180.86
	Cy. 450.00
	44,730.86

[Duplicate.]

Farmers & Traders Bank, Billings, Mont.

Mrs. GREY. Mr. Scott, you said that the Indians slaughtered their cattle. What evidence have you of that?

Senator LANE. Their own cattle, you mean?

Mrs. GREY. Yes; their own cattle or any cattle on the reservation. Do not the Indians deny that?

Mr. SCOTT. No; they do not deny it.

Senator LANE. Have you ever seen any cattle they had slaughtered?

Mr. SCOTT. There?

Senator LANE. Have you ever seen any cattle they had slaughtered?

Mr. SCOTT. I have had them tell me that they did it, frequently.

Senator LANE. Have you checked it up to see whether it is true, and ascertain the facts as to whether they had killed them or not?

Mr. SCOTT. I never had any reason to deny it—I have never had any reason to doubt it, I should say. Many cases have been reported by the stockmen and farmers, and on calling the Indian out and inquiring he would acknowledge it was true.

Senator LANE. You have done that, have you?

Mr. SCOTT. I have done that frequently.

Mrs. GREY. You say you have warned the butchers not to buy from them. Can you give the name of one butcher that you have so notified?

Mr. SCOTT. McDaniel & Wood, of Hardin.

Mrs. GREY. Was that the prosecution that you had in mind?

Mr. SCOTT. There was a prosecution there for—yes; that is the prosecution.

Mrs. GREY. Was it an Indian that was prosecuted?

Mr. SCOTT. There is an Indian——

Mrs. GREY. Who was it?

Mr. SCOTT. John Whiteman.

Mrs. GREY. Was he convicted?

Mr. SCOTT. He was; but——

• Mrs. GREY. Was John Whiteman convicted?

Mr. SCOTT. He was allowed to go.

Mrs. GREY. McDonald was convicted, but not Whiteman?

Mr. SCOTT. McDonald was convicted.

Mrs. GREY. Whiteman was not convicted, was he?

Mr. SCOTT. That is my recollection.

Mrs. GREY. In all these years, have you ever convicted another Indian?

Mr. SCOTT. We have never prosecuted the Indians for killing their own cattle.

Mrs. GREY. Not in any instance at all? How about the arrest of Enos Light?

Mr. SCOTT. Enos Light killed some cattle belong to his wife, but he has never been prosecuted.

Mrs. GREY. He has never been prosecuted?

Mr. SCOTT. No.

Mrs. GREY. Did he never pay a fine?

Mr. SCOTT. Not to my knowledge.

Mrs. GREY. You never heard anything about it?

Mr. SCOTT. No, sir.

Mrs. GREY. You were not present at the council, then, when you were presiding?

Senator LANE. When who presided?

Mrs. GREY. The matter was brought up in the council.

Senator LANE. Just information is what we are after. We are not here to settle any difficulties between you two.

Mrs. GREY. I have not mentioned—he said that there had been no——

Senator TOWNSEND. This strikes me as very unusual proceeding, Mr. Chairman.

Senator LANE. In what way?

Senator TOWNSEND. I want Mrs. Grey to ask questions on anything that informs us. I would protect Mrs. Grey as I would anybody else, but I want to get at the facts in reference to this stock. For instance, if it is true that this stock is handled in connection with the "Beef Trust," I want to know that—those facts, or anything else that Mrs. Grey has; but we have not time to go into any contests here over any matters of personal difference.

Mrs. GREY. There have been no matters of personal difference.

Senator LANE. In fairness to all, without prejudice, I want Mrs. Grey and Mr. Scott to understand that the commission does not want anybody to indulge in personalities.

Mr. SCOTT. I would like to go on record as asking this commission to investigate fully the connection, if any, between the stockmen and the purchasers of the cattle.

Senator TOWNSEND. That is one thing we are after, Mr. Scott; and Mrs. Grey has some ideas in reference to the matter, and we wanted—I assume that is what the commission had in mind—that

she would ask those questions rather than to write them out and have us ask them over again; and I would like, and I am sure the chairman would, to have Mr. Scott answer the questions, and I would like to have Mrs. Grey ask just such questions as simply pertain to the facts and not necessarily pursue a method of cross-examining, as though we were trying to convict somebody, when we are not, any more than I permitted it when she was on the stand. I want to get at the facts. Just ask questions in relation to anything that will bring out the facts. If you have in your mind the idea that the "Beef Trust," or anybody else, is interested in those ranges and the cattle, let us ask the questions to apply directly to that subject, and any other subject that you have in mind.

Mrs. GREY. The reason I was asking that question was this: It is admitted that the Indians have now practically no cattle. The Indians contend that the reason that they have no cattle is that the lessees have branded their cattle and have overstocked the range.

Senator TOWNSEND. Ask questions on that and let us find out if he knows anything about that.

Mrs. GREY. Suppose you ask him the questions, Senator Townsend.

Senator TOWNSEND. I thought we did, but I thought we could hurry matters if we did not go into details.

Mrs. GREY. As long as they have prosecuted, they have never convicted one single Indian of killing Heinrich's cattle, or killing any of their own cattle.

Senator TOWNSEND. He testified to that when he was being examined.

Mr. SCOTT. That is not quite correct.

Senator TOWNSEND. That is what I understood you to say, with the exception of one, and that man was paroled.

Mrs. GREY. And that was a white man.

Mr. SCOTT. She refers to the killing of lessees' cattle.

Mrs. GREY. There is a rule when they arrest the Indians—they are not allowed to kill their own cattle.

Senator LANE. Has there ever been any complaint made to you by the Indians that the lessees have driven off any of their cattle?

Mr. SCOTT. No, sir; there was, as I said a while ago, two or three complaints of misbranding of calves.

Senator LANE. Were they true or not—did you investigate them to see?

Mr. SCOTT. Sir?

Senator LANE. Were they true—the complaints founded on facts or not?

Mr. SCOTT. They were not true. I personally investigated one of them two or three different times. Inspector Norris, you know, investigated that same case; Chief Live Stock Supervisor Goodall investigated the same case, and all came to the same conclusion, that there is nothing to it.

Mrs. GREY. Have you seen the steer that George Pease has now in his corral at Lodge Grass?

Mr. SCOTT. Yes.

Mrs. GREY. Is there any question but what that is his steer?

Mr. SCOTT. There is a very serious question.

Senator TOWNSEND. Right there, you did not quite finish in reference to this shipping bill. It is marked "duplicate." Assuming that that is a duplicate of a bill that is a true bill, where did those cattle come from?

Mr. SCOTT (examining paper). I would say that they came from Wyoming, from the ranges along the north portion of the State.

Senator TOWNSEND. That can be easily traced out, can it not, to ascertain where those cattle came from?

Mr. SCOTT. It can, undoubtedly.

Senator TOWNSEND. You think that this Basin Cattle Co. has no business on the reservation?

Mr. SCOTT. They have nothing whatever in there; their range is down here [indicating on map] in Wyoming.

Mrs. GREY. Do you know who they are? You said before you did not know.

Mr. SCOTT. There is what they call the "Basin Co.," and I have no doubt these people belong in there.

Senator TOWNSEND. I repeat, there is no such cattle company on the Crow Reservation out there?

Mr. SCOTT. There is not.

Senator TOWNSEND. Their cattle, therefore, must have been shipped from outside?

Mr. SCOTT. Yes.

Senator TOWNSEND. And we can trace that out to find out whether that is so or not?

Mr. SCOTT. Certainly. I can learn all about it, and can furnish this information.

Senator TOWNSEND. It seems to me, Mr. Chairman, that is a matter we can very easily learn from the department. We can check it up from that and tell what there is about it and ascertain something about the truth or falsity of the statement.

Mrs. GREY. Now, about overstocking of the range. Was the range overstocked—has it been?

Mr. SCOTT. No.

Mrs. GREY. Never? Is it true that the Indians have fewer cattle than they had, say, three years ago?

Mr. SCOTT. I imagine that they have some less than they had three years ago. They buy a few occasionally, and kill and eat all the time.

Mrs. GREY. When the ranges were really overstocked you did not recommend—I have a letter here. Shall I put it in?

Senator LANE. What is it about?

Mrs. GREY. I have a letter here written by W. W. Scott, superintendent, to the Commissioner of Indian Affairs, dated June 27, 1912.

Senator LANE. Very well.

Mrs. GREY. And it is a part of "Indian Files 66990—1912; Crow Agency, 321."

Senator TOWNSEND. Perhaps the quickest way would be to read it, and then if we do not think it is proper we would not have to print it.

Senator LANE. Just read the salient features of it.

Mrs. GREY (reading):

It will be noted that the letter accompanying the bid of Spear Bros. Cattle Co. proposes to reduce the minimum number of animals and increases the rate per head. They state that during the past two years their range has been

overstocked, although they did not actually carry the minimum number. This statement was made, as to number of head, at the time of their last semiannual payment.

It is true that their range was overstocked last year, due to the shortage of feed; another season the same number might not be too many.

That is signed "W. W. Scott." Now, was not district No. 6 cut down for the same reason?

Senator TOWNSEND. Is it stated in there that the lessee said they did not have the minimum number?

Mrs. GREY. Yes. You will see by looking at the leases that they are all much less now than they were at any time heretofore.

Senator LANE. What is your contention, Mrs. Grey?

Mrs. GREY. Why, that the range has been overstocked to such an extent that now it is bringing in less than it has before; and, more than that, that the Indians' cattle are dying on account of the range being overstocked.

Senator TOWNSEND. What do you mean by "overstocked," Mrs. Grey? Do you mean more than the contract called for or more than they ought to put on it?

Mrs. GREY. More than the contract called for and more than the range would carry.

Senator TOWNSEND. That letter does not quite state that?

Mrs. GREY. No.

Senator TOWNSEND. That letter states that less than the minimum number?

Mrs. GREY. Yes; here is what I am contending for: The range would have carried more cattle than it does now, because it has been overstocked and the range has been eaten off.

Senator TOWNSEND. Then, that is due, is it not, to the fact that the contract permitted too many cattle on there rather than a violation of the contract?

Mrs. GREY. Well, from the contract—but I think the fact is that there have been very, very many more cattle there than ever were covered by the contract.

Senator TOWNSEND. That letter does not say that.

Mr. GREY. It says it was overstocked.

Senator TOWNSEND. Yes, because of the bad year; but it says that the minimum number was not exceeded, if you will notice. So that, if the idea you have in mind is that the laws had been violated, that letter does not prove that.

Mrs. GREY. It proves that the range had been overstocked, though.

Mr. SCOTT. Mr. Chairman, I protest against the utterly unwarranted assertions of Mrs. Grey.

Senator LANE. I do not think you need to allow that to annoy you at all. That will all be weighed.

Mr. SCOTT. I wish to call the attention of the commission to the fact that she has absolutely no knowledge of the facts. She offers no proof whatever in support of the assertions, while I, who have been there right along and know the situation, submit that my word is equally as good as hers, and assure you positively that what she says is not true.

Mrs. GREY. I was reading from your own letter, Mr. Scott.

Mr. SCOTT. My letter does not support the contention.

Senator LANE. This will all be sifted out, without prejudice; you may be assured of that, so far as I am concerned.

Mr. SCOTT. If there is anything I can put you in possession of in relation to the actual facts, I will be only too glad to do so.

Mrs. GREY. Who has district No. 6?

Mr. SCOTT. I think that lease was awarded to Spear Bros.

Mrs. GREY. It is the old Dana lease, do you remember?

Mr. SCOTT. Heinrich and Spear, of course, trade together in a way. They assist each other wherever they can, but not in the way to defraud the Indians or to work any hardship on them whatever.

May I point out to the chairman the No. 6 range? I would like to show you that.

Senator LANE. I would be very glad to see it.

Representative STEPHENS. Is there any fence between Heinrich and Spear?

Mr. SCOTT. No, sir.

Senator TOWNSEND. There is one thing I can not understand, Mr. Scott, and that is, you say they work together, and they put the sheep on where they have a contract for cattle. I can not understand why you have a hard and fast lease or permit, and then it means nothing—that is, you can change it over and put sheep on it or you can let another man come in with his stock, although you are presumed to prohibit that thing.

Mr. SCOTT. Let me say that the only case in which stock has been grazed on another man's land is that of Mr. Simonson, who is running sheep on the range under hint. Here [indicating] is range No. 6. It lies on the Little Horn River. It contains about 31,000 acres. Some part of that acreage is occupied by farms under that ditch and along the creek. For purposes of permit that range is estimated at 30,000 acres, and Mr. Heinrich submitted—I am a little uncertain as to the details of the leasing of that. At any rate, they are allowed to run from a minimum of 1,500 up to a maximum of 1,800 head of cattle on a per head basis of \$2.35.

That range really belongs to No. 5. There is no reason why we should have a little range down in here, and when this fence is completed and the Indians take possession of this part of the range I want to include all of them in one, from the fact that this country up in here is rough and during the winter is uninhabitable on account of snow. So for a year-round range there is not enough summer pasturage as it stands now.

Senator TOWNSEND. The chief reason you do not know who occupies No. 6 is because you do not carry it in your head, you mean to say?

Mr. SCOTT. We have a record of it. These leases were made something over a year ago, and I have had no occasion to recall the details since that time. When the payments are due we call on them and require them to furnish an affidavit as to the number of cattle run, the money is collected by the cashier, and that is all there is to it.

Senator TOWNSEND. Do you have any complicated joint leases down there as to running on each other's leasehold?

Mr. SCOTT. No, sir.

Senator TOWNSEND. Do you have any trouble with Indians complaining that the lessees are pasturing their cattle contrary to the leases?

Mr. SCOTT. We sometimes have claims for hay destroyed.

Senator TOWNSEND. What do you do about them?

Mr. SCOTT. We adjust them as best we can.

Senator TOWNSEND. How do you adjust the claims. Here is an Indian claims that Mr. Heinrich's cattle have destroyed his hay—

Mr. SCOTT. In that case the farmer goes and makes a personal investigation and reports to our office, and I call upon Mr. Heinrich or Mr. Spear or whoever it is to pay the amount.

Senator TOWNSEND. And he usually does?

Mr. SCOTT. They do. Almost always the Indian will claim more damage than is really coming to him, and it is the subject of adjustment between the Indian and the lessee.

Senator TOWNSEND. Does the farmer represent the Indian?

Mr. SCOTT. Yes, sir.

Senator TOWNSEND. So it is a matter of adjustment between the farmer and the lessee?

Mr. SCOTT. Yes, sir. It is to satisfy the Indian and get the lessee to pay an amount that will satisfy him. When the hay is cut in the fall the farmer goes and measures every stack and makes a record of how much hay is in it. He makes a record of the character of the fence surrounding it. That record is reported to the office, and in the cases where he reports that the fence is insufficient, as it very often is, we require the Indian, or notify him, to improve his fence. In that way we have the complete record of the hay owned by the Indians and have something on which to base our claim.

Senator TOWNSEND. Go ahead, Mrs. Grey, and ask your questions, and let us finish this up.

Mrs. GREY. Mr. Scott, what is the price that No. 6 is bringing now; do you recall?

Mr. SCOTT. No. 6?

Mrs. GREY. Yes.

Mr. SCOTT. No. 6 is estimated at 30,000 acres. It has to run 1,500 head of cattle, at \$2.35 per head.

Mrs. GREY. What does that amount to?

Mr. SCOTT. Something over \$3,000.

Mrs. GREY. \$3,375, is it not? What did that range bring when it was let the last time?

Mr. SCOTT. That range at one time brought \$8,000.

Mrs. GREY. What was the reason it was relet for only \$3,000?

Mr. SCOTT. Because it was overestimated in the first place.

Mrs. GREY. It was let on a competitive bid when it was let at \$8,000?

Mr. SCOTT. Oh, yes; I presume it was; but that was before my time.

Mrs. GREY. When it was let the second time for \$3,000 was it let on a competitive bid?

Mr. SCOTT. Yes.

Mrs. GREY. Who bid against Mr. Heinrich?

Mr. SCOTT. I do not remember.

Mrs. GREY. You are quite sure there was no other bid?

Representative STEPHENS. I suggest that we went through this matter before.

Senator TOWNSEND. That part was testified to before.

Mrs. GREY. He said it was not overstocked and it was not let for less.

Senator TOWNSEND. The question was not asked him why it was let for \$3,000 this time and for \$8,000 before, but the fact that it was

let for \$8,000 and later on for \$3,000, and that there were competitive bids, he testified to the other night. There is no use spending any time—

Mrs. GREY. Accepting that as the real situation on the reservation—that the Indians had no cattle; not that the Indians are eating their cattle.

Senator LANE. What is your question now?

Senator TOWNSEND. The pertinent question was—if you are satisfied with your answer; it was not quite satisfactory to me: Mrs. Grey asked you what the prior lease price was, and you answered \$8,000, and this time \$3,000, and your statement was that it was over-let the first time, but you did not go on and tell why and how they happened to let it for \$8,000 at one time and later on to let it for \$3,000.

Mr. SCOTT. I do not know by what arrangement it was let for \$8,000. I was not there at the time, but I do know we were unable to get anything like that when the matter came up for again granting the contract.

Mr. TOWNSEND. Do you know of anybody that would take that lease and pay more than \$3,000 for it?

Mr. SCOTT. I do not. We had the lease to sell, and advertised far and wide for bidders, and let it to the highest bidder.

Senator TOWNSEND. Do the Indians want that range?

Mr. SCOTT. No, sir; they have no use for it.

Senator TOWNSEND. Go ahead, Mrs. Grey.

Mrs. GREY. We will leave the leases and take up some allotments. Mr. Scott, have there been any allotments to Indians of the public domain since you have been on the reservation?

Mr. SCOTT. No.

Mrs. GREY. Have you ever leased any Indians land that must have been made on the public domain?

Senator LANE. Has he done what?

Mrs. GREY. Leased any Indians allotments that must have been made on the public domain.

Mr. SCOTT. I do not know of any Crow that is allotted on the public domain.

Mrs. GREY. I have here farming lease No. 239, on allotments Nos. 398 and 401, in favor of James B. Quest, for five years from March 1, 1913. The date the lease was made was December 9, 1912.

Senator LANE. Do you assert that that is on public domain, Mrs. Grey?

Mrs. GREY. Yes.

Senator LANE. What would it amount to if he had?

Mrs. GREY. These are the allotments of Looks-Back: Knox Looks-Back, son, aged 5 years; Lucille Looks-Back, a daughter, aged 8 years; Eugenia Looks-Back, a daughter, died July 6, 1905. The justification for the lease is that the lessors are unable to work this land by reason of its being on the ceded strip some 25 miles from their home.

Mr. SCOTT. If it is on the ceded strip, it can not be on public land.

Mrs. GREY. When was the ceded strip opened?

Mr. SCOTT. I do not remember.

Mrs. GREY. You know what act it was?

Mr. SCOTT. I said I did not remember.

Mrs. GREY. The ceded strip was taken in 1901. Is that a fact, Mr. Scott? Could it have been any other time?

Senator LANE. He said he did not remember.

Mrs. GREY. It could not.

Senator TOWNSEND. Is this land located on that ceded strip?

Mrs. GREY. These are the allotments of four children who were allotted from the ceded strip after the ceded strip was opened to settlement, and they could not possibly be legal allotments unless they were allotted under the public-domain act. It would be impossible that they could be otherwise.

Senator TOWNSEND. Supposing they are located there; what would you say about that, assuming that is true?

Mrs. GREY. Well, here is the lease; it is Mr. Scott's own lease. The allotment is illegal.

Mr. SCOTT. There have been no allotments since I went onto the Crow reservation. I know there are a number of allotments on the ceded strip, or in the ceded portion of what was formerly the Crow Reservation, but those allotments were all made before I went there, and there has never been a question raised as to their legality, so far as I know.

Senator LANE. Why, Mr. Scott, would it be illegal for you to lease allotments on a ceded strip?

Mrs. GREY. That is not the idea. The idea is this. Here is the deed made by Mr. Scott—

Senator LANE. I know; but briefly, what is it?

Mrs. GREY. These allotments are illegal; they could not exist.

Senator LANE. Who made them?

Mrs. GREY. They were leased by Mr. Scott. The minute I saw it I knew they could not be legal.

Mr. SCOTT. We also collected some damages for—

Mrs. GREY. They were all after the act of 1904.

Mr. SCOTT (continuing). For a ditch that was run through these allotments.

Senator LANE. You do not claim that Mr. Scott made these allotments?

Mrs. GREY. He made the leases, and I do not see how he could help seeing—

Senator LANE. If there are illegal allotments there that were made contrary to the law—which I know nothing about—what do you know of it?

Mr. SCOTT. There are no illegal allotments, to my knowledge, anywhere on the Crow Reservation or to Crow Indians. I have never heard the legality of any Crow allotment questioned.

Senator LANE. Is there any illegal allotment to white people?

Mr. SCOTT. There have been some allotments to white people. No—yes; there have been some allotments to white people who were adopted members of the tribe. That was before I was connected with the reservation.

Senator LANE. Would they be justly entitled to that under the act?

Mr. SCOTT. Under the rulings of the department they are entitled to them.

Mrs. GREY. These children are entitled to allotments.

Senator LANE. You are governed by the rules of the department in that respect?

Mr. SCOTT. Certainly.

Mrs. GREY. These children are all entitled to allotments, but not there.

Senator TOWNSEND. Are these people living on their allotments on this strip?

Mrs. GREY. No, sir.

Senator TOWNSEND. They are not living there at all?

Mrs. GREY. No, sir.

Senator TOWNSEND. Where are they living?

Mrs. GREY. They are farther down.

Senator TOWNSEND. They have allotments somewhere else?

Mrs. GREY. Not these children; no.

Senator TOWNSEND. I am talking about these children. Do they have any other allotments than those on this strip?

Mrs. GREY. I do not know. I have never seen the allotment books, but the Indians complain that favored Indians like those have as much as 500 acres allotted to them. But the point I was making was that on these allotments are to three children allotted on the ceded strip. The strip was opened to settlement before any of these children were born, and under the act they could not possibly be allotted there.

Mr. SCOTT. I would suggest, Mr. Chairman, that Mrs. Grey be required to furnish the dates of those allotments, as a matter of record.

Mrs. GREY. Mr. Scott knows I am not permitted to see any of these records. He would not let me see any when I was out there.

Senator LANE. Where are these records?

Mrs. GREY. Some here and some at the Indian Office. But here is the record itself—

Senator TOWNSEND. That is a matter we can find out about.

Mrs. GREY. Senator Townsend, don't you see what I mean there?

Senator TOWNSEND. I see very clearly. That is a matter of proof; it can be substantiated.

Mrs. GREY. Here is the proof right here; this is a part of the lease. Don't you see, this child was born in 1905 and died in 1905. The land was opened in 1904, and she was allotted after 1905.

Senator TOWNSEND. You have here an affidavit of heirship. All this paper shows is who were the heirs of Lillian Looks-Back. That is what this affidavit of heirship is for.

Mrs. GREY. "For the minor children, Knox Looks-Back, Lucille Looks-Back"—don't you see?

Senator TOWNSEND. Well, now, what proof have you that those allotments mentioned in this paper are not on land which could properly be allotted to the Indians?

Mrs. GREY. In the lease that is made here the justification is that the lessors are unable to work this land by reason of its being on the ceded strip and for the reason that Knox Looks-Back is aged 6 and Lucille Looks-Back is aged 9. The date of this is 1912. Now, from 1904 to 1912 would make every one of these children born after the act of 1904.

Senator TOWNSEND. Now, let me see if I can get this straight. This is a letter signed "W. W. Scott, superintendent, Crow Reservation."

Mrs. GREY. If you will begin at the back, you get at it more regularly.

Senator TOWNSEND. I am talking about this letter. [After examining papers.] You go ahead, Mrs. Grey, and I will look at this—and I will look at this and get it straightened out.

Mrs. GREY. I will tell you one thing, Senator Townsend. The act which was passed in 1904 took everything except the allotted land and provided that the future allotments should be made on the diminished reservation. Now, the Indians who were living on the ceded reservation were permitted to keep their land, but of course they could not allot their children born after that act, except under the act to allot them on the public domain.

Senator LANE. And you say this has caused complaint?

Mrs. GREY. Oh, the Indians complain bitterly of it.

Senator LANE. Are there many cases of it in your country?

Mrs. GREY. Very many; yes, sir; I think.

Senator LANE. And they complain?

Mrs. GREY. This is the petition that is sent. You see how many names are signed. It is a universal complaint that the children of the Indians are not allotted, excepting those who are favored, who will leave their lands to people like Mr. Quest—

Mr. SCOTT. That has no more foundation than—

Mrs. GREY. I object to Mr. Scott making those statements. If I am not permitted to do so, I do not think he should be permitted to.

Senator TOWNSEND. It is better to state what the facts are without characterizing what anybody else is saying. The commission wants to get at the facts and does not care about anything else.

Mr. SCOTT. I want to say there is no law in effect now at all under which Crows can be allotted: that in lieu of allotments we are now allowing the parents to make selections, which acts merely to segregate the land against the time when an allotting agent will be sent, when provision will be made for allotting this land, and these selections will then ripen into allotments. There has been no case in which an Indian has been hampered in any way whatever as to his selection. He is allowed to select wherever he will, and is given all the assistance that can be rendered him to make his selection.

Senator LANE. Go ahead, Mrs. Grey.

Mrs. GREY. You say there is no law—now, I will not ask this as a question. I think every appropriation bill carries a large appropriation for making allotments on reservations where allotments are to be made each year, and they were directed to go ahead, and the reason they will not make them on the Crow, I think you will find, is right here in a letter I have which was written by Mr. Scott. I got this at the agency when I was there.

Senator LANE. What date is it?

Mrs. GREY. It is No. 6682, August 28, 1912. You see here it is marked, "A true copy. H. H. Harris." Mr. Harris was there with me.

Senator LANE. Read the letter, please.

Mrs. GREY. It is dated "Crow Agency, Mont., August 28, 1912. Commissioner of Indians Affairs, Washington, D. C. Sir."

This is the crux:

Also that there is no statutory provision for further allotment of lands to them. I presume they intended to ask that the enactment of legislation providing for such allotments be secured.

When we were having this council he stated, as the council minutes will show, that they could not ask for this legislation without taking up the matter of opening the rest of the reservation.

Senator LANE. Do you mean to say they are holding up the allotments until the Indians will agree to open?

Mrs. GREY. Unquestionably.

Senator LANE. That is what the Indians complain of?

Mrs. GREY. You see their petition—

Senator LANE. I had forgotten it.

Mrs. GREY. Now, Mr. Scott, you say you have made no allotments to those who were adopted since you were there? When was Emma Record allotted?

Mr. SCOTT. I do not know. What I meant was that there had been no allotments made de novo. There have been some cases in which it was determined by the office that certain persons were entitled to the allotment and were authorized to make the allotment.

Mrs. GREY. A very large number of those, are there not?

Senator TOWNSEND. On the ceded strip?

Mr. SCOTT. No, sir; that would be on the diminished reserve.

Mrs. GREY. There is a large number, is there not, Mr. Scott?

Mr. SCOTT. No; I think not. There is not a large number; there is a small number.

Mrs. GREY. Emma Record is one of them?

Mr. SCOTT. Emma Record is one of a batch of 17 adoptions by the tribe.

Mrs. GREY. Listen to this; this is exceedingly important.

Mr. SCOTT. I do not remember when she was allotted.

Mrs. GREY. She is not a Crow Indian?

Mr. SCOTT. She has some Crow blood, I think. I do not know how much.

Mrs. GREY. You are not sure of that, however?

Mr. SCOTT. No.

Mrs. GREY. Isn't she a Crow Indian?

Mr. SCOTT. I think not.

Mrs. GREY. She is married to a Dr. Lieurance at the present time. is she not?

Mr. SCOTT. Yes.

Mrs. GREY. You assigned her a very fine allotment, did you not?

Mr. SCOTT. I had nothing to do with the selection of the allotment.

Mrs. GREY. Well, you approved the allotment?

Mr. SCOTT. No; I would not have that authority. I do not remember anything about that particular case. I know that she has an allotment out in the Wolf Mountains—no; I will take that back.

Mrs. GREY. She has an allotment in the Wolf Mountains. It is a very valuable mineral allotment.

Mr. SCOTT. There is a question up now about her allotment and the allotment of her little boy.

Mrs. GREY. Is he an Indian?

Mr. SCOTT. My recollection of it is that the allotment has never been approved, and it is only quite recently that the question as to whether she was entitled to 160 acres or 320 acres came up. If she were the head of a family at the time of her allotment she would be entitled to 320 acres, or would have been; if not, to only 160. That question

was referred to the Indian Office, and they advised us, if I remember right, that she was entitled to allotment as the head of a family.

Senator LANE. Now, would that be the case if she was a Crow Indian?

Mr. SCOTT. If they are adopted by the tribe and the adoption is approved, as in her case, by the Secretary of the Interior, it makes no difference whether she is a Crow or what.

Mrs. GREY. Then she is not a Crow?

Mr. SCOTT. I do not know.

Mrs. GREY. And her son is not a Crow?

Mr. SCOTT. Her son is the son of a white man. My recollection is that the woman herself claims to be of Crow blood.

Mrs. GREY. May we have those papers, Senator Lane—her allotment and her son's allotment, from the Indian Office?

Senator LANE. I suppose so.

Mrs. GREY. They must have been with the council proceedings. The Indians complain that there are allotments of that kind to most of their valuable land. They are illegal and improper.

Senator LANE. What is the value of this land?

Mrs. GREY. It is mineral land.

Senator LANE. What kind of mineral?

Mrs. GREY. There is probably some very fine mineral on the Crow Reservation, and this is one of those allotments.

Senator LANE. Do you know anything about that, Mr. Scott?

Mrs. GREY. They are in the Wolf Mountains, though, aren't they?

Mr. SCOTT. The selection is located in the Wolf Mountains. I never heard that there is any valuable mineral in that locality.

Mrs. GREY. Do you know E. J. Booz, in Hardin?

Mr. SCOTT. Yes.

Mrs. GREY. Has he a permit to prospect on the Crow Reservation?

Mr. SCOTT. Not to my knowledge.

Mrs. GREY. You know where his office is in Hardin?

Mr. SCOTT. He has no office in Hardin.

Mrs. GREY. He has, in Mr. Hunter's office, hasn't he?

Mr. SCOTT. No; he is in my office.

Senator LANE. In whose office?

Mr. SCOTT. In our office at the agency.

Senator LANE. Who is this?

Mrs. GREY. E. J. Booz. Has he been in your employ long?

Mr. SCOTT. About three months, I think.

Mrs. GREY. When I was out there he was not in your employ regularly. He was helping to make out the record, wasn't he, and acting as clerk to Mr. Hunter, in Hardin?

Mr. SCOTT. I don't know.

Mrs. GREY. You were in town there?

Senator LANE. He said he didn't know.

Mrs. GREY. The point I was making is that in the window of Mr. Booz's office are some magnificent mineral specimens—galenite—unquestionably of very fine quality, and the land lies in the Wolf Mountains. That is one of the reasons the Indians object particularly to this fence [indicating on blue print]. The land is marked "unsurveyed," you see. It is, in fact, very fine, the finest kind of mineral land, and many of these white allottees are allotted to that mineral land.

Mr. SCOTT. Will you name some of them?

Mrs. GREY. You said there were 17.

Mr. SCOTT. I did not say there were 17 white.

Mrs. GREY. You said there were 17 adoptions at the time she was adopted.

Mr. SCOTT. Yes; all of those, however, were not approved. Some of them were rejected.

Mrs. GREY. There was a council proceeding went on there, wasn't there? Were the council proceedings sent on here with those 17 adoptions?

Mr. SCOTT. I think so. That occurred before I went to the Crow Reservation.

Mrs. GREY. Dr. Lieurence went there after you did didn't he?

Mr. SCOTT. No.

Mrs. GREY. Mrs. Record is now the wife of Dr. Lieurence, isn't she?

Mr. SCOTT. Yes.

Mrs. GREY. Now, I have one more allotment. Mr. Scott, do you know of Indians being removed from their allotments forcibly and those allotments given to somebody else?

Mr. SCOTT. I do not.

Mrs. GREY. You never heard of such a thing?

Mr. SCOTT. I never did.

Mrs. GREY. I have here the allotment of Knows-His-Coos. Here is the description. Now, on the present rolls one of these allotments—this description here—was reallocated to Wrinkle Face.

Senator TOWNSEND. It had been allotted previously to whom; to Knows-His-Coos?

Mrs. GREY. Yes. Here it is; the southwest half of the southwest quarter of section 28—

Senator TOWNSEND. Of township 8 south, range 35 east. Where do you get the "east"?

Mrs. GREY. I get it from the map.

Senator TOWNSEND. I presume that is right.

Mrs. GREY. Containing 320 acres, you see. That land was reallocated to Wrinkle Face, and it has his number on the present rolls, and this land is now owned by Mr. Reynolds. This land was vacant. Mr. Miller now has that.

Senator TOWNSEND. Now, I can ask these questions to get what we want in the record about that, and I think it will mean a little bit more. That is one thing I wanted to ask you—

Mrs. GREY. Just let me explain, before you begin, Senator Townsend. There are probably 20 allotments exactly in the same condition as this one is, lying near Wyola. It is a flat piece of land, and it is on that land that they are now spending money for irrigation. The Indians who are the real members of the tribe are not getting any irrigation; it is going on to this land.

Senator TOWNSEND. And this land was originally allotted to the Indians?

Mrs. GREY. To many Indians. I have only this one proof; but as I rode along the reservation I saw the old fences—I saw two old camps, and the Indians claim they never gave that away.

Senator TOWNSEND. Now, Mr. Scott, it was charged here at the hearings last year of the Indian Committee that land had been al-

lotted to certain Crow Indians years back, and that afterwards that land was in some way taken from the Indians and reallocated to other people, and that it finally found its way into the hands of white owners. I can understand how it would be possible for it to get into the hands of white owners, but what I can not understand is this, and I would like for you to explain it—

Mr. SCOTT. I should like to inquire of Mrs. Grey the names of the white owners, so that I can locate the land.

Senator TOWNSEND. We have a description here of a piece of land which will describe it better.

Mr. SCOTT. I would not know it by description so well as by the name.

Mrs. GREY. You know where Mr. Reynolds's house is?

Mr. SCOTT. Yes.

Mrs. GREY. Mr. Reynolds's house is on one portion of this land. Mr. Reynolds was agent at the time Knows-His-Coos was forcibly removed from this land. Mr. Miller was chief clerk, and Mr. Throssel was, and still is, employed in the office. All the land now in this one belongs to those three men and their families, and no Indian there is getting any irrigation at all. It stops exactly on Stick's land. Of course, Miller and Throssel have since been adopted, but it has never been settled, and the Indians protest, and there is no council proceeding to show they were properly adopted.

Senator TOWNSEND. She says that one of these allotments is now occupied by Mr. Reynolds; his house is on part of the land.

Mr. SCOTT. That matter all took place before I went there. I, sometime after going to the agency, requested the Indian Office to send an inspector to go into the matter fully and determine whether there had been frauds, as somebody had charged, in connection with the adoption. They declined to do that, on the ground that if anyone claimed fraud they were at liberty to initiate the action, but that the office would not on its own motion investigate the matter to determine whether an action that they had taken was tainted with fraud.

Senator TOWNSEND. That is, the guardian of these incompetent people out there was not willing to show up whether they had made a mistake or had done wrong or not?

Mr. SCOTT. They assumed that if anyone made the claim it was up to them to submit the proof.

Senator TOWNSEND. If some ignorant Indian had been perhaps defrauded by his claim, the great big Government of the United States says: "You have got to show us before we will proceed to inquire into the matter"?

Senator LANE. That is it.

Mr. SCOTT. I will just give you the facts, Senator.

Senator TOWNSEND. I am not questioning your facts.

Mr. SCOTT. As to Knows-His-Coos, I do not know anything about his having been put off his land. I know the Indian, and he has never said anything to me about it.

Senator TOWNSEND. Now, is it possible for an Indian to be allotted a piece of land, and then that land afterwards legally allotted to some other Indian?

Mr. SCOTT. I should say not, certainly.

Senator TOWNSEND. How could it be done? What is the circumlocution that would be followed, in your mind, if that is a fact? Suppose Knows-His-Coos had this land allotted and wanted it allotted to somebody else. How could it be done legally?

Mr. SCOTT. In case the allotment were illegally made in the first place, when the roll is approved, naturally the work could not be undone. I want to suggest that it would be well to get the facts from some reliable source, from the records, or to call on some one who was familiar with the facts at the time, as I was not.

Senator LANE. Would the records necessarily show?

Mr. SCOTT. Unquestionably they would show. If a grant has been made and later on had been cancelled, certainly the record would show it.

Senator TOWNSEND. What ought to be done with this statement is to find the history of that particular piece of land.

Mrs. GREY. Now, I have the record of the inspector who made the inspection that Mr. Scott is speaking of. That was Inspector Norris, was it not?

Mr. SCOTT. I do not know whether Mr. Norris investigated that matter or not.

Mrs. GREY. This is his report—

Senator TOWNSEND. You did not get through, Mr. Scott. I wanted to know whether there was anything further on this subject. That is a very interesting subject to me. If it is true that Indians have been allotted lands, and then the lands were wanted by somebody else because they were valuable, and the Indians have relocated somewhere else, and that land allotted to a favorite—assuming that that is so, I want to know how it could happen, and why.

Mr. SCOTT. As I say, I have no personal knowledge of the case at all; and not knowing the facts, I can not say.

Senator TOWNSEND. Have you ever had any experience with any similar cases?

Mr. SCOTT. I never have; no, sir.

Senator TOWNSEND. Then, of course, you would not know.

Mrs. GREY. I will say, Senator Townsend, that there are hundreds of just such claims.

Senator TOWNSEND. The way to find those is to get the case and let this man or somebody else get the record of the case. We will know who had it in the first place, how it happened to be allotted again to somebody else, and then it is up to the department to make an explanation.

Mrs. GREY. There you have that special piece of land that Reynolds has now, allotted to Knows-His-Coos. There must be some record of that transfer.

Senator LANE. That is what the Senator says. What else do you wish to ask?

Mrs. GREY. Mr. Norris reported in reference to that, reading from his report, "As to the so-called Miller and Throssel adoption and allotments, I find that you would be justified in ordering special investigations in all matters relating thereto."

Senator LANE. Who does he address that to?

Mrs. GREY. The Secretary of the Interior.

Senator LANE. Of what date is that letter?

Mrs. GREY. October 12, 1912. I will read another from the same. Shall I give the history of this, so as to connect it up?

Senator LANE. Now, Mrs. Grey, are you going to give us testimony of your own?

Mrs. GREY. No; I want to ask Mr. Scott.

Senator LANE. That is all right, then. But I wanted to say that if we are going to examine Mr. Scott, we ought to confine ourselves to the matters with which he is familiar. If you are going to testify, we ought to have that separate. I would like to confine this examination to matters that Mr. Scott knows about.

Mrs. GREY. In reference to this piece of land that Reynolds is on, that land is now under the ditch, is it not? The new ditch where they are spending the money at the present time, where Mr. Reed is working?

Mr. SCOTT. We are not doing any work on that ditch at the present time.

Mrs. GREY. You were last summer. You were in September.

Mr. SCOTT. My recollection is that the Reynolds land is not under the ditch.

Mrs. GREY. You have been over that. You ride along, and here you see the flume coming down, and then it stops just there; and here is Stick's place right next. It is the only piece of cement work on the reservation.

Senator LANE. Do you remember about the cement work on that ditch?

Mr. SCOTT. We have a ditch there that is partially completed.

Senator LANE. Were you working on it last summer?

Mr. SCOTT. I was out there during last summer. We had some little work there in the summer, but not a great deal.

Mrs. GREY. May we have the expenditures there? It is the finest piece of work—

Senator LANE. Two can not testify at once, Mrs. Grey.

Mrs. GREY. The finest piece of work that ever went on the reservation.

Mr. SCOTT. Our work was confined to a ditch lower down where we lost a dam last year by pressure. Anyway, we did very little but repair work last year.

Senator TOWNSEND. Was that irrigation plant put in for the benefit of the Indians?

Mr. SCOTT. Yes, sir.

Mrs. GREY. Can you name an Indian who is getting water under it?

Mr. SCOTT. I do not know the Indians under that ditch well.

Mrs. GREY. You can not recall one Indian that is getting water under that ditch?

Senator LANE. Are any white people getting water from it?

Mr. SCOTT. There is some land under that ditch that has been sold, but I do not recall now to whom.

Senator LANE. Are they getting water from that ditch?

Mr. SCOTT. Anyone is getting water who has land under the ditch.

Senator LANE. But you do not recall any—

Mr. SCOTT. I do not recall the names of the people.

Senator LANE. There are Indians there getting water?

Mr. SCOTT. Oh, certainly.

Mrs. GREY. There are Indians getting water?

Mr. SCOTT. Yes.

Mrs. GREY. But you can not remember the names of any of them?

Senator LANE. That is what he said.

Mr. SCOTT. We have quite a large number of ditches.

Senator LANE. How many Indians are there on the reservation?

Mr. SCOTT. About 1,725 or 1,730.

Senator LANE. How many families, say?

Mr. SCOTT. Probably between 500 and 600. That is just a guess.

Senator LANE. How long have you been there?

Mr. SCOTT. I went there July 1, 1910.

Senator LANE. Don't you know the names of all these families?

Mr. SCOTT. Of all the Indians? No, sir; I do not. I know them in a way. If you would give the name of any Indian on the reservation I could probably tell you whether that Indian is on the allotment roll, but I can not recall their peculiar names, as you discovered. While I am reasonably familiar with the Indians themselves, I can not recall their names.

Senator LANE. You ride up and down those irrigation ditches and notice what is going on every season, do you?

Mr. SCOTT. Oh, yes.

Senator LANE. And do you know that Indians are getting water?

Mr. SCOTT. I do know that every one under there, as far as the ditch has been completed, is getting water. Last year we did some rush work in there in order that some Indians might get water under that ditch.

Mrs. GREY. The ditch at Reno—is that a completed project or is it a projected project?

Mr. SCOTT. It is a completed project.

Mrs. GREY. On the map it is marked a projected project.

Mr. SCOTT. There was some talk of building a ditch higher up. The matter was referred to the Indian Office, and they advised that when the Indians had shown a disposition to cultivate the land under the lower ditch they could consider the other project, but up to this time there has been nothing done on the upper ditch.

Mrs. GREY. Which do you mean by the upper ditch?

Mr. SCOTT. The ditch that is projected.

Mrs. GREY. Under the Reno ditch—are the Indians getting any water under that ditch?

Mr. SCOTT. Yes.

Mrs. GREY. Do you know of a sluiceway that was built there where you go on Frank Shane's allotment?

Mr. SCOTT. I do not remember.

Mrs. GREY. You know where Lee Simonson's house is?

Mr. SCOTT. Yes.

Mrs. GREY. He is getting water from that ditch?

Mr. SCOTT. He is under the ditch.

Mrs. GREY. When you stand at his house and look right down into the field—it is 500 feet away, this sluiceway. It is a new plank structure. It cost \$29,000, did it not? Haven't you ever seen it?

Mr. SCOTT. I do not know the structure to which you refer at all. I will say to the committee that while I have general oversight of the construction work, we have an engineer of irrigation who has the immediate charge of the work.

Mrs. GREY. Then you do not know—

Mr. SCOTT. I do not remember what any of the hundreds of structures over the reservation cost.

Senator LANE. Don't you keep a pretty close tab on that?

Mr. SCOTT. I do; yes, sir. But I am satisfied Mrs. Grey is mistaken as to the cost of the structure to which she refers. There is no structure of that magnitude in that locality.

Mrs. GREY. There is a structure there, isn't there?

Mr. SCOTT. There are numerous small structures.

Mrs. GREY. This structure I refer to is intended to take the water out of the canal and throw it back so it can not go on the Indians' land. And is not Mr. Simonson trying to buy all that land as dry land, when in fact it is irrigated?

Mr. SCOTT. Oh, no.

Mrs. GREY. And is he not leasing all of that—occupying it?

Mr. SCOTT. He has one lease down there.

Senator LANE. How large a lease is that?

Mr. SCOTT. He is leasing some land from an Indian known as The-Other-Medicine.

Mrs. GREY. Are not all the family lands in there?

Mr. SCOTT. I do not know how much land he has leased. This man Other-Medicine has quite a large family, and all are allotted—

Mrs. GREY. And he is occupying nearly all of it—I think all of it.

Mr. SCOTT. We require each Indian to keep for his own use at lease 40 acres of land on which the home place is located.

Mrs. GREY. I think the records would show that there is a head gate there.

Senator LANE. If it cost \$29,000, it would be a considerable structure?

Mrs. GREY. It is very considerable of a structure.

Mr. SCOTT. There is no structure of that character down there at all.

Senator LANE. A plain difference of opinion.

Mrs. GREY. If you would go to the reservation, you could see it. You could not stand in the door of Mr. Simonson's house and not see it. I will read from the report of Inspector Norris, made October 25, 1912. This says:

As to section 13, wherein it is charged that the Indian herds are not properly cared for, and that there is no sufficient supervision of the gathering, branding, and shipping of cattle; that there is no proper inspection or report of the number of cattle and sheep grazed on the range, and no proper inspection of general conditions on the range, I find, after careful consideration, that said complaints are true.

Who would make that inspection of the cattle and keep the number of the sheep and cattle grazed, Mr. Scott? What official of the reservation?

Mr. SCOTT. That matter, gentlemen, was gone into very thoroughly the other night.

Senator LANE. Yes; he answered that the other night.

Mrs. GREY. You remember that Senator Robinson asked me a question, and he said he would like to have the record to put in. This is the record to which he referred:

As to section 17 * * * I find that said Campbell is guilty of dealing in horses with Indians; that said Campbell is guilty of using intoxicating liquors on the reservation; and that said use has to some extent destroyed the confidence of the people. * * * In view of all the surrounding circumstances, I recommend such clemency as may be consistent with good service.

He is still on the reserve, isn't he?

Mr. SCOTT. Yes; he is still there.

Senator LANE. Have you read this report before?

Mr. SCOTT. No, sir.

Senator LANE. Did you have any information in regard to this?

Mr. SCOTT. Certain portions of it were referred to our office.

Mrs. GREY. You were not directed to reorganize your inspection after this?

Mr. SCOTT. No. As I stated to the committee the other night, we have been gradually improving our system of inspection and the handling of stock, and while there might have been and was during the first year or two of my administration some ground for criticism, that condition has gradually been improved, and I feel now that we have it in very good shape.

Mrs. GREY. Mr. Campbell still has charge of it, hasn't he?

Mr. SCOTT. Mr. Campbell has his duties, as he always had; yes.

Senator LANE. The same as before?

Mr. SCOTT. Yes.

Mrs. GREY. Was he drunk at Lodge Grass with a woman called "the fairy" just a week before you came away? Was not Mr. Campbell picked up dead drunk?

Mr. SCOTT. No; he was not.

Mrs. GREY. Well, the woman was brought there, wasn't she, to the agency?

Mr. SCOTT. Not to my knowledge.

Mrs. GREY. Isn't there a scandal all over the reservation on account of the doings of Campbell?

Mr. SCOTT. No; there is not.

Mrs. GREY. There unquestionably is. His appearance is that of a dissolute drunkard.

Mr. SCOTT. That, gentlemen, is—Mrs. Grey was cautioned a few minutes ago.

Senator LANE. Mrs. Grey makes the statement that he is a drunkard, and possibly with a little heat. It is also reported in there by somebody by the name of Norris that he is a drinking man. Such reports have been made to the department, so it is possible that the man may drink—

Mr. SCOTT. I have known Mr. Campbell and have been thrown with him many times—all the time, constantly. He is now living at the agency, and I see him very frequently. I have never known him to take a drink on the reservation of anything. I have never known him to bring anything on the reservation, and I have never seen him in any degree under the influence of liquor. I know he is one of the most conscientious, energetic, hard-working men that I ever saw in that position.

Senator TOWNSEND. How do you account for Mr. Norris's report?

Mr. SCOTT. Mr. Norris's report was based on the evidence of an Indian whom Campbell had arrested—

Mrs. GREY. What for?

Mr. SCOTT (continuing). And who afterwards, I am informed, told Mr. Norris that he made his statements maliciously. That is all hearsay, but so far as I know that would seem to account for it.

Senator LANE. What did he arrest the Indian for? Do you remember?

Mr. SCOTT. No; I do not. They frequently arrested that Indian for drunkenness.

Mrs. GREY. That was Jim Carpenter, wasn't it?

Mr. SCOTT. Yes.

Mrs. GREY. Where did he get the whisky? Didn't Campbell give him the whisky?

Mr. SCOTT. No.

Mrs. GREY. He certainly did.

Mr. SCOTT. Campbell states under oath that he did not. That is all that I know about it.

Mrs. GREY. Mr. Campbell is still in charge of the inspection of the reservation—

Senator LANE. He said so.

Mrs. GREY (continuing). And no change has been made since Norris's report was made?

Senator LANE. He says he still remains there.

Mrs. GREY. And Mr. Schraeder is the same, isn't he? Mr. Schraeder is still in charge?

Mr. SCOTT. Mr. Schraeder is a farmer of one of the districts.

Senator TOWNSEND. Have you ever taken any trouble to investigate any of those charges that are made against Campbell?

Mr. SCOTT. I have made inquiries; yes, sir. I have never gone into it by way of a hearing, because Mr. Norris went into the matter thoroughly.

Senator TOWNSEND. Do you know why Norris recommended that leniency, as he uses the word, should be used in this man's case?

Mr. SCOTT. I do not know, but I suppose it was because he recognized him as a valuable employee.

The CHAIRMAN (Senator ROBINSON presiding). Is there anything further? I want to have an executive session now. If there is not, Mr. Scott, you may be excused.

(Thereupon, at 5.15 o'clock p. m., the committee proceeded to the consideration of executive business.)

MARCH 17, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in the committee room of the Senate Committee on Indian Affairs at 12.30 o'clock p. m.

Present: Senators Lane (acting chairman) and Townsend, and Representative Stephens.

TESTIMONY OF JOHN H. BOOZ, PARKMAN, WYO.

(The witness was duly sworn by Senator Lane.)

Senator LANE. Now, Mr. Booz, you are a cattleman, as I understand it, and you have been located and doing business for a great many years on and about the Crow Indian Reservation?

Mr. Booz. Yes, sir.

Senator LANE. That is in Montana?

Mr. Booz. Yes, sir.

Senator LANE. We are trying, Mr. Booz, to ascertain the facts only, without prejudice to any one and in fairness to all, as they exist on that reservation. There have been a good many complaints, and we want to find out what the real, true situation is. Are you a sublessee on the Crow Reservation?

Mr. Booz. Yes, sir.

Senator LANE. You are a sublessee.

Mr. Booz. Yes, sir.

Senator LANE. How long have you run cattle on that range?

Mr. Booz. Since 1902.

Senator LANE. Have you been a sublessee all that time?

Mr. Booz. No; for about four years.

Senator LANE. For four years you have been a sublessee?

Mr. Booz. Yes, sir.

Senator LANE. From whom do you sublease?

Mr. Booz. From Frank Heinrich.

Senator LANE. Is his name Henry or Heinrich?

Mr. Booz. Heinrich.

Senator LANE. And they call him Henry?

Mr. Booz. Yes, sir. Did you want to see these letters to show that I was a sublessee?

Senator LANE. Yes; leave them here, and you can explain them to me, Mr. Booz. Do you pay Mr. Heinrich more for the range of your cattle than he pays the Government for the use of his?

Mr. Booz. I do not understand exactly—

Senator LANE. Do you pay more per head?

Mr. Booz. I don't know exactly what he pays.

Senator LANE. What do you pay?

Mr. Booz. It is something between \$3 and \$4.

Senator LANE. As nearly as we can ascertain he pays about \$2.25. Do you pay something like that?

Mr. Booz. No; mine is between \$3 and \$4.

Senator LANE. How much do you have to pay for your cattle on the forest reserve?

Mr. Booz. Seventy cents a head for the period of 110 days.

Senator LANE. Seventy cents a head for 110 days?

Mr. Booz. About that; sometimes they come off before the 110 days.

Senator LANE. How does the range you sublease from Mr. Heinrich compare with the rest of the land on which Mr. Heinrich ranges his cattle?

Mr. Booz. There is no comparison. His range is a year-round range, and mine is just a winter range, used during the winter.

Senator LANE. You pay that much per head just for the winter?

Mr. Booz. Just for the winter.

Senator LANE. For half the time?

Mr. Booz. Just about half the time.

Senator LANE. When your cattle mix with Mr. Heinrich's and he ships them, what does he charge you?

Mr. Booz. He charges me \$1.50 a head, till Mrs. Grey came out and had a kind of meeting—I don't know what it was, but after that he took off the \$1.50 a head and did not charge me any more.

Mrs. GREY. He means \$4.50.

Mr. Booz. Three dollars and fifty cents a head. He charged me \$3.50 a head for shipping. He figured it so much for gathering them, so much for the range, and it made \$3.50, you know. I have not got one of his cards here with his shipping on it, but I can show you here—well, I can show you right here on the shipping bill.

Senator LANE. That is, when he collects, is it when you ship?

Mr. Booz. Yes, sir; it is held out in Chicago. Here is some that he shipped [producing shipping bills].

Senator LANE. Now, explain this to me. This is a bill—

Mr. Booz. That is a shipping bill after Mrs. Grey came. Before Mrs. Grey came there was an "M Y" steer or cow, so many head of them—there was \$3.50 for shipping expenses and range expenses, but as soon as she came they seemed to have a fear of her some way; I don't know why; I never found anything that what she done but was fair and square—and they discontinued charging me for shipping the cattle. Before that it was \$3.50 for range, feed, and shipping.

Senator LANE. That was collected at the Union Stock Yards in Chicago?

Mr. Booz. In Chicago, held out of my shipping.

Senator LANE. And you are a member of the Basin Cattle Co.?

Mr. Booz. Yes; I am one of the owners of that.

Representative STEPHENS. Are you manager of the cattle company?

Mr. Booz. I am secretary and manager.

Senator LANE. We will put these on file.

(The papers referred to are as follows:)

[Rosenbaum Bros. & Co. (Inc.), live stock commission merchants, Chicago, South Omaha, Sioux City.]

UNION STOCK YARDS,
Chicago, Ill., August 27, 1913.

Mr. JOHN BOOZ, *Parkman, Wyo.*

DEAR SIR:—Herewith account sale of 1 steer shipped by Doc Spear, proceeds to Huntley State Bank.

Yours, truly,

ROSENBAUM BROS. & Co.
W.

[Rosenbaum Bros. & Co. (Inc.), live stock commission merchants.]

UNION STOCK YARDS,
Chicago, Ill., August 25, 1913.

Sold for account of Basin Cattle Co.

[Sale No. 37669. Shipped by Doc Spear, from Benteen.]

Purchaser.	Cattle.	Weight.	Price.	Total.
Hammond.....	1 steer.....	<i>Pounds.</i> 1,140	<i>Cent's.</i> 6.95	\$79.23
Charges—Freight (including feed on the road).....			5.82	
Hay.....			.25	
Corn.....			.11	
Shipping charges.....			.07	
Commission.....			.57	
				6.82
Net proceeds.....				72.41

HUNTLEY STATE BANK, *Huntley, Mont.*

[Rosenbaum Bros. & Co. (Inc.), live stock commission merchants.]

UNION STOCK YARDS,
Chicago, Ill., September 16, 1913.

Sold for account of Basin Cattle Co.

[Sale No. 38376. Shipped by F. M. Heinrich, from Wyola.]

Purchaser.	Cattle.	Weight	Price.	Amount.
		<i>Pounds.</i>	<i>Cents.</i>	
S. & S Co.....	1 steer.....	1,264	7.80	98.28
Keller.....	2 steers.....	1,880	6.85	129.45
Morris.....	1 heifer.....	1,400	7.50	105.00
Total (4).....				332.74
Charges—Freight (including feed on the road).....			\$23.55	
Yardage.....			1.00	
Hay.....			.40	
Commission.....			2.16	
				27.11
Net proceeds.....				305.63

HUNTLEY STATE BANK, Huntley, Mont.

Senator LANE. You have none of your old bills where this charge was made?

Mr. BOOZ. No, sir.

Senator LANE. Have you some at home?

Mr. BOOZ. Yes, sir; I have some in the bank.

Senator LANE. Will you send us one?

Mr. BOOZ. If I can get hold of them.

Senator LANE. Why can you not get hold of them?

Mr. BOOZ. I have written for them several times, but could not get them.

Senator LANE. You wrote for them several times?

Mr. BOOZ. Yes, sir.

Senator LANE. To whom?

Mr. BOOZ. To Snidow.

Senator LANE. Who is Snidow?

Mr. BOOZ. He is my partner. He never sent them to me. He never said why.

Now, here is the returns. All my cattle returns has always been sent to Huntley. You see here now it is sent to the Farmers & Traders' Bank, of Billings. I could not understand that. Still everything was all right. I never made any inquiries. His little bank down there has always been a mighty nice trade bank, and one of my particular friends from Georgia was a manager in the bank. In this, you see, they are less than there, Senator. I could not understand that. I did not ask Snidow to explain.

Senator LANE. He managed this, then?

Mr. BOOZ. Yes; we both was in Chicago then.

Senator LANE. He is your partner?

Mr. BOOZ. Yes, sir.

Senator LANE. Shall I put that in?

Mr. BOOZ. Yes, sir.

(The paper referred to is as follows:)

[Rosenbaum Bros. & Co. (Inc.), live-stock commission merchants.]

UNION STOCK YARDS,
Chicago, Ill., September 1, 1913.

Sold for account of Basin Cattle Co. *

[Sale No. 37838. Shipped by ———, from Aberdeen.]

Purchaser.	Cattle.	Weight.	Price.	Amount.
		<i>Pounds.</i>	<i>Cents.</i>	
Armour.....	218 steers.....	252,210	8.00	\$20,176.80
Do.....	20 steers.....	20,730	7.50	1,554.75
S. & S. Co.....	47 steers.....	53,150	7.15	3,800.20
Do.....	55 steers.....	63,950	7.15	4,572.42
Armour.....	11 steers.....	13,540	7.15	968.11
Do.....	5 steers.....	5,750	8.00	460.00
Lawler.....	7 steers.....	7,790	7.50	584.25
Cudaby.....	88 steers.....	87,050	6.00	5,245.30
Armour.....	87 heifers.....	92,980	7.65	7,112.97
Do.....	38 heifers.....	36,060	7.65	2,758.59
S. & S. Co.....	19 cows.....	19,770	6.75	1,334.47
Do.....	1 cow.....	880	5.25	46.20
State Board.....	3 steers held.....	3,040		
	1 steer dead.....			
Total (595).....		656,900		49,120.08
Charges—Freight (including feed on the road).....			\$3,543.94	
Yardage.....			148.75	
Pay.....			59.40	
Fire insurance (10 cents per car).....			2.80	
Commission.....			304.33	
				4,059.22
				45,960.86
				120.00
				45,180.86
				450.00
			<i>CY.</i>	44,730.86

FARMERS & TRADERS BANK, Billings, Mont.

Senator LANE. How long ago was that charge made?

Mr. Booz. It was made this year.

Senator LANE. \$3.50?

Mr. Booz. Yes, sir.

Senator LANE. Did you have to pay that in addition to some usual charges for commission men?

Mr. Booz. Oh, yes.

Senator LANE. You paid the commission men in addition to that?

Mr. Booz. Yes, sir. Let me show you now——

Senator LANE. That is really a fee for the use of the range, then?

Mr. Booz. Yes; and for taking the cattle to the range.

Senator LANE. Do you drive them there?

Mr. Booz. No; they drive them and do the shipping.

Senator LANE. Is that expensive work on their part?

Mr. Booz. Not if they would take care of the cattle all of the time. You see, he runs up into the reservation that contains the forest reserve, and there is no fence between us, and the cattle go from the forest reserve and get mixed with his, and his with mine.

Senator LANE. Don't you designate what cattle you want to go to market?

Mr. Booz. No; we always ship whenever they are fat and matured. It doesn't matter where they are.

Senator LANE. Does he take them?

Mr. Booz. Yes; he takes them. I am not there.

Senator LANE. He drives the cattle, then, off a given range, and selects such cattle as he thinks ought to go to market?

Mr. Booz. On his range; everything that is on his range.

Senator LANE. He acts, then, as your agent in that respect, does he not?

Mr. Booz. I don't know whether he is an agent, but that is the custom of the country. When a steer or cow is mature we send it to market. You can see here on these bills where it is so much for feed, so much for shipping—

Representative STEPHENS. The bills will show that better than anything else.

Senator LANE. Do you charge him for shipping his strays?

Mr. Booz. No; I never have.

Senator LANE. Why don't you?

Mr. Booz. It is not customary for cow men to charge each other.

Senator LANE. Is that right, Mr. Stephens?

Representative STEPHENS. On the outside range, you know, they have different rules. This is leased land, and the lease would determine as to what should be done. This is a sublease, and I presume that there is some understanding between them there.

Senator LANE. Is there an understanding between you and him that you shall charge him?

Mr. Booz. None whatever. I brought down 23 of his big fat cattle off my range, and shipped them in August—the 28th of August. I shipped my cattle instead of shipping his. You see, he sent me word to turn his cattle loose, that he would ship them later—that he has grazing on the reservation that he had leased. I turned loose 23 head of his that I brought from the mountains about 40 miles, and they go right back to my place over the mountains, 35 or 40 miles, and when I got back home the 23 head is back over there. Why he would not allow me to ship his cattle when he was shipping mine I could not understand.

Senator LANE. He has not the confidence in you that you have in him apparently?

Mr. Booz. I don't know.

Representative STEPHENS. Did you ever ask him anything about it?

Mr. Booz. I never did. I have not seen Frank Heinrich for over a year. A year ago last February I had a check book there, and I said, "Let's settle up this lease and get it straight." He said, "Wait until I see Snidow, and we will get together and settle it." Snidow and Heinrich met in Billings and settled it—\$15,333 for about four years, for the lease.

Senator LANE. When you shipped his cattle, to whom did he tell you to have the payment made?

Mr. Booz. Well, this was Will Heinrich. His brother attended to the shipping. He told me to send it to the bank at Omaha, the Bostwick Bank. I have forgotten the name of the man, but I told the commission man to send the money to the bank at Omaha.

Senator LANE. Do you understand that Mr. Bostwick has control of these cattle?

Mr. Booz. Well, Mr. Bostwick told me that he and Frank Heinrich owned the outfit, and he says, "When you get ready to sell your outfit give us a chance at it." That was three years ago last July.

Senator LANE. Is it your understanding that Mr. Bostwick controls the entire range on the reserve?

Mr. Booz. His money does. I am confident of that—the biggest part of it. We don't do business with Bostwick; still he has tried me several times to lend me money. I thanked him and told him that I did not need it.

Senator LANE. Who is Mr. Bostwick?

Mr. Booz. He is a banker. He is interested there in Omaha in a big business there, a packing outfit. The bank belongs to a packing outfit.

Senator LANE. Is it your impression, from your experience there, that this cattle ranging and the leasing system and the management of affairs in that connection on that reserve is controlled by Omaha and other packers? I mean, your impression?

Mr. Booz. Yes, sir.

Senator LANE. That is your opinion?

Mr. Booz. Yes, sir; because Bostwick is as strong a man as there is in the Omaha stockyards, and he told me in his bank that he and Frank Heinrich would want this, what we call the "dry corner" over on the west side of the mountain. He told me that in Omaha last September.

Senator LANE. That is, where you were?

Mr. Booz. Where I was—in his private office.

Senator LANE. I mean, is that where your range was?

Mr. Booz. Yes; the dry corner, between the Big Horn Mountains and the Bighorn River. I went in his bank and told him I wanted to see him on some private business, and I told him my corner over there had not been settled for, and I wanted to fix it up. "Well," he says, "me and Frank Heinrich want that range." "Well," I said, "Mr. Bostwick, I will tell you what I will do. I will just write to the department and see if they won't lease me some of the allotments over on the other side of the mountain," and he says, "Don't you do anything like that. You see Frank Heinrich and see if you can't fix it up."

Senator LANE. What objection would he have to your leasing these allotments on the other side? Would that interfere with his range?

Mr. Booz. Oh, in a way; something of that kind. I had some rented from Mrs. Peters and her family.

Senator LANE. Are they Indians?

Mr. Booz. Her husband is a white man. That has been eight years ago this last winter, and they had it fenced, and Mr. Heinrich never bought the hay, so they leased it to me and I used it, and also been using it since.

Senator LANE. How many cattle would you keep in there, about?

Mr. Booz. I would not keep them in there but a little while. I feed out in Wyoming and keep them there six weeks or two months, and then take them over the mountain on the forest reserve. I bought his hay last fall with the intention of feeding it this winter, and Mr. Scott notified me not to put any cattle there. I bought 123 tons of hay from him.

Senator LANE. At how much a ton?

Mr. Booz. \$6.

Senator LANE. What kind of hay was it?

Mr. Booz. Wild hay.

Senator LANE. In the stack?

Mr. Booz. Yes, sir; and 15 cents an acre for the pasture land inside of the field where I was going to feed the hay. I want to explain this to you. It is an extra good place to winter cattle and extra good feed in there. That is why I paid an extra price for it. Water runs the full length and feed on both sides.

Senator LANE. Now, what is the name of the firm from whom you sublease? Who are they?

Mr. Booz. Frank Heinrich is the man I lease from.

Senator LANE. Have you a copy of the lease?

Mr. Booz. No, sir; I wanted it, but I did not get it.

Senator LANE. You never got a lease? It is just verbal, is it?

Mr. Booz. No; it is just a kind of lease. I read it. Mr. Reynolds drew it up. I said, "Tom, who drew this up?" and he said Mr. Reynolds drew it up.

Senator LANE. Who is Tom?

Mr. Booz. Tom Snidow. It was just so much money for so many cattle for such a length of time. Our dry range is a country that we do not keep them on only in the winter season—fall and winter. That was the way it figured up. You will see in this letter here what we paid the last payment.

(Senator Lane read the letter referred to, which is, in full, as follows:)

[T. A. Snidow, Billings, Mont.]

BILLINGS, MONT., March 7, 1914.

Mr. J. H. Booz, Parkman, Wyo.

DEAR JOHN: Your letter of March 3 received and am sorry to hear of you being in such bad shape. Charley Moore can look after the Basin for a while and you can leave a good man in your place at Slack, and you had better go to the springs and rest a while. I will try and come down the first of the week.

I am not one bit surprised at us not getting the Peter's pasture. I have known for a long time that Helen Grey was going to get you in bad, but you would not listen to me. But for God's sake don't lay down. Keep a stiff upper lip until I come down.

You ask me for a statement of the notes given by the Basin Cattle Co.: I K. McNutt, balance on hand, \$7,333.33, due in October, 1914, 6 per cent; note to J. P. Snidow, November 7, 1913, 6 months, at 8 per cent, \$3,000, signed by Basin Cattle Co., by T. A. Snidow, president; note to J. P. Snidow, January 2, 1914, 6 months, at 10 per cent, \$3,000, signed by Basin Cattle Co., by T. A. Snidow, president. This note was given to J. P. Snidow to get money to pay your checks that come in on your trip to Georgia; also to pay checks given to Indians and Mr. Peter for hay that come in while you were in Georgia. Note to American National Bank, Helena, for \$11,000, February 4, 6 months, 8 per cent, signed Basin Cattle Co., by T. A. Snidow, president. This was given to get money to settle back pay due Frank Heinrich on winter range. March 2 we had in the Huntley Bank \$3,749.59, and we hold about \$2,000 worth of notes and mortgages due the company, and as to the horse sale, I will bring the book down when I come and you can look it over. I will be down as soon as I can get away.

I hope you will be feeling better when you get this letter.

Yours, very truly,

T. A. SNIDOW.

I will talk over the matter of your Bankers Loan & Mortgage stock with Mr. Omara and see if he can handle it and let you have the money.

T. A. S.

Representative STEPHENS. He is your partner, is he?

Mr. Booz. Yes. Now, he gave the check for \$4,333, besides what is there—

Representative STEPHENS. What is that for?

Mr. BOOZ. That was for a lease of the Heinrich range.

Representative STEPHENS. And it is not mentioned here?

Mr. BOOZ. No; that was a check given separate. And I wrote to him to bring the check down, and he must have had business that he could not come down, but I never got the check.

Senator LANE. Now, he says in there that your friendship for Mrs. Gray has got you in bad. Got you in bad with whom does he mean?

Mr. BOOZ. With the Senators, I suppose. That is my business down here. If I have done anything in the world that I am in bad I would like to straighten it up, because I have always been trying to be straight.

Senator LANE. Are you under the impression, and is he, that your friendship for Mrs. Grey has got you in bad with the department and the Government?

Mr. BOOZ. Yes, sir.

Senator LANE. And that on account of that you are liable to lose your lease?

Mr. BOOZ. I think so. You see, he says he was not surprised at my not getting the lease; that he told me time and again——

Senator LANE. What is your shipping point?

Mr. BOOZ. Aberdeen.

Senator LANE. Where is Aberdeen?

Mr. BOOZ. It is just 5 miles from the Wyoming and Montana line, on the reservation.

Senator LANE. Is there much shipping done there?

Mr. BOOZ. There has been quite a lot.

Senator LANE. Is it a known stopping place for trains?

Mr. BOOZ. Oh, yes; one of the first shipping points on the reservation.

Senator LANE. And there are cattle pens there and driveways?

Mr. BOOZ. Yes, sir.

Senator LANE. Who else ships there?

Mr. BOOZ. Me and Heinrich and Spear—the whole outfit used to ship there.

Senator LANE. Does the Government inspector for cattle come down there and watch you ship?

Mr. BOOZ. I have never seen the inspector or a sheriff since I have been on the reservation with my cattle.

Senator LANE. You never saw him inspecting cattle?

Mr. BOOZ. Never saw him inspecting mine or anybody else's.

Senator LANE. Have you been around where you could see it yourself, where you could see the shipping going on?

Mr. BOOZ. Oh, yes; I generally load the cattle myself—I help to load them.

Senator LANE. When the agent was here he said he knew of no shipments being made from Aberdeen. He did not know where Aberdeen was. Now, I want to ask if any outside cattlemen drive cattle to Aberdeen and ship from there?

Mr. BOOZ. They have for the last, say 12 or 15 years; yes, longer than that—17 or 18 years that I know of by my own experience, and I have been shipping there for 13 years, and all the men around ship there. But now lately there has not been so much shipping done, but still there is quite a little.

Senator LANE. Could the Basin Cattle Co. or anyone else ship from Aberdeen without the knowledge of the agent or the stock inspector?

Mr. BOOZ. Oh, yes.

Senator LANE. How far is it from the agency?

Mr. BOOZ. About 30 or 35 miles, I suppose.

Senator LANE. Does the inspector inspect the other shipments on your range?

Mr. BOOZ. No, sir.

Senator LANE. Does he inspect—you do not know what he does with other people?

Mr. BOOZ. No.

Senator LANE. When you ship cattle of a brand not your own, how is the return made?

Mr. BOOZ. It is made like these bills. I ship ID cattle, you know, and it is sent to Mr. Scott, but I don't know in what form. You see, when anybody ships one of ours, we get a card notifying us that it is shipped and by whom, and the feed is taken out and the weight of the steer and the price and everything on the card. Now, I belong to the stock association in Wyoming and Montana, but I suppose the Indians don't. Whether the inspector would take the same precaution to fix the Indians that way I don't know, but the Indian money has always been sent to the agent.

Senator LANE. They could all be made the same way, could they?

Mr. BOOZ. Yes, sir.

Senator LANE. Has anyone else ever used the range you now own, and have Indians' cattle ever been lost there?

Mr. BOOZ. Yes. Mr. Sam Garvin had it when the 745 Indian cattle was supposed to have been stolen and put over there by them. They served a term in the penitentiary—Mr. Garvin and Bob Lee—for stealing the cattle.

Senator LANE. The Indians' cattle?

Mr. BOOZ. Yes. I think that Mr. Morse used it a year prior to the time I used it.

Senator LANE. Is there anybody else in that country subleasing that you know of?

Mr. BOOZ. Mr. Dana is still using the Herford pasture adjoining the Wyoming line and also running down into the reservation adjoining his farm.

Senator LANE. That is reserved land, is it?

Mr. BOOZ. Yes, sir; that is on the reservation.

Senator LANE. He would have to have a permit, wouldn't he?

Mr. BOOZ. Mr. Willis Spear told me while he had it under control he never charged for it. He said there was quite a lot of allotments inside of this Herford pasture that Dana was using on the reservation, and I laughed and said, "That is something funny." He said, "Well, that is what we have done, but I don't know anything about what Frank Heinrich is charging."

Senator LANE. They had a tribal herd there at one time?

Mr. BOOZ. Yes, sir. I was with the herd at the time Mr. Watson was agent, and it seems that he would receive the cattle, and they knew what he was doing, how many he had, and they counted the cattle. That has been several years ago, and as near as I can recollect they branded around 4,000 calves that year, and counted out

about 13,000 head of cattle. That is as near as I can tell now. It has been so long I may have forgotten.

Senator LANE. Was the tribal herd successful?

Mr. BOOZ. No, sir.

Senator LANE. Why?

Mr. BOOZ. There were several reasons. They were thrown in with the white men's cattle. Another thing, the range was overstocked, and three years ago last fall I think the most of them died.

Senator LANE. Overstocked by Indians?

Mr. BOOZ. No; white men's cattle.

Senator LANE. On the Indian range?

Mr. BOOZ. Yes, sir.

Senator LANE. Did they pay for the use of that range or not?

Mr. BOOZ. I don't know whether they did or not. I come over the mountain in June, about the 5th of June, and I was not out of sight of dead cattle there for several miles. I crossed the reservation where some had died, where they had them penned up in certain quarters they kept for winter range.

Senator LANE. Was this land leased to anybody?

Mr. BOOZ. I could not say. Frank Heinrich was using it.

Senator LANE. Using it in connection with the Indians?

Mr. BOOZ. His cattle and the Indians' were both running—no; this was a place where they did not allow any Indian cattle. He held this for his own private use in the fall, for cattle that he was going to winter and keep them where he could get them—the poor cattle and the cows and calves.

Senator LANE. Were these dead cattle his cattle or the Indians' cattle.

Mr. BOOZ. I could not say.

Senator LANE. You say the Indians had a herd there at one time, but the range became overstocked. How did that happen?

Mr. BOOZ. They had the ID range between the Bighorn and the Burlington Ridge.

Senator LANE. That is what I wanted to find out. Were they overstocked with the Indians' cattle?

Mr. BOOZ. Other people's cattle.

Senator LANE. Did the Indians' cattle die, or the other people's cattle?

Mr. BOOZ. I think some of both; they did not all die, but they had quite a loss of both. Most everybody in the West had quite a loss.

Senator LANE. Was that calamity due to weather?

Mr. BOOZ. Yes, sir—deep snows.

Senator LANE. Who brands the ID stock?

Mr. BOOZ. Well, we had a fellow—when I was with them three years ago they had a fellow—Joe Martinez. They rounded up and branded a few ID's.

Senator LANE. Did the Indians brand them?

Mr. BOOZ. No, sir; some white men. They represented the Government.

Senator LANE. Does Heinrich brand your strays?

Mr. BOOZ. I never saw him brand any.

Senator LANE. Will he permit you to brand his, or to keep a man of your own with his wagon?

Mr. BOOZ. No, sir.

Senator LANE. He does not permit you to keep a man with his wagon?

Mr. BOOZ. He never has. I sent a man over, and he sent him back.

Senator LANE. Why is that? Is not that the custom over there?

Mr. BOOZ. No, sir; not with cow men.

Senator LANE. Why not?

Mr. BOOZ. You mean——

Senator LANE. Sending a man along?

Mr. BOOZ. That is the custom of the cow men. I thought you said it was the custom not to let the man go with the wagon. I don't know what his idea is in sending my man back.

Senator LANE. So you are not permitted to have a man along when he is branding where your cattle are?

Mr. BOOZ. Well, he is branding where his cattle are, and mine would get over there. I try to keep my cattle at home on my side of the mountain.

Senator LANE. Now, there was a question came up about branding cattle, that the Government sent a man along with these lessees, to assist in branding the Indians' cattle. Do you know anything about those men, or anything about what kind of men they are, or who pays their wages?

Mr. BOOZ. Well, they had one white man along. He said Campbell gave him his check. It was paid out of Indian funds, I suppose. I could not say.

Senator LANE. Do they help Heinrich handle the cattle?

Mr. BOOZ. ID cattle?

Senator LANE. His cattle?

Mr. BOOZ. Yes.

Senator LANE. They go along as sort of guests, and at the same time help him out?

Mr. BOOZ. Yes.

Senator LANE. Who pays them while they are out?

Mr. BOOZ. They are with Heinrich's outfit.

Senator LANE. Now, when you first went on the range, what was the condition of the Indians in relation to their material welfare?

Mr. BOOZ. Good.

Senator LANE. How does it compare now with then?

Mr. BOOZ. Mighty poor.

Senator LANE. You think the Indians' condition now is poor?

Mr. BOOZ. The worst I ever saw.

Senator LANE. Are they short on food?

Mr. BOOZ. They are short on food and work horses and saddle horses——

Senator LANE. And clothing——

Mr. BOOZ. Clothing and everything. In fact, the Wyoming people along the line has complained about the Indians begging and being a nuisance along the line.

Senator LANE. On account of poverty?

Mr. BOOZ. Poverty; yes, sir.

Senator LANE. Are they a bad lot?

Mr. BOOZ. A good lot of people if they are treated right and given a show.

Senator LANE. If you do not treat them right, what happens?

Mr. BOOZ. Well, there has been something happened—or if there hadn't been some mighty good people to take them.

Senator LANE. In what way?

Mr. BOOZ. Hostile—that is what I think.

Senator LANE. You think that is due to the way they are treated?

Mr. BOOZ. Yes, sir.

Senator LANE. You think that if they were treated kindly and justly there would be no trouble?

Mr. BOOZ. And let them have their stock, and not try to let them farm. They are not farmers; they are good stock men.

Senator LANE. You do not think they are farmers?

Mr. BOOZ. No, sir. Give them alfalfa feed and let them sow hay, and they will put up hay, because they know when they put up hay it will bring money, and when they raise oats and other things they know they have to haul it, and that is the last of it.

Senator LANE. Now, then, you think their condition has deteriorated and gone down since you have been there?

Mr. BOOZ. Oh, yes.

Senator LANE. You can see that?

Mr. BOOZ. Yes, sir.

Senator LANE. What will be the ultimate result with those Indians if conditions go on as they are?

Mr. BOOZ. I think most of them will be in the penitentiary or killed the way they are working. They put out rewards there for anybody stealing their cattle, and they come to me and ask me, "What will we do? We have nothing to eat. What would you do?" I said, "I would eat as long as there was anything on the reservation." That is all I can say.

Senator LANE. Now, they are killing off some of these lessees' cattle?

Mr. BOOZ. I expect once in a while they kill some.

Senator LANE. Do they kill any for you?

Mr. BOOZ. No, sir; they never bother my cattle. I say, when they are hungry they come to me. I have been giving them potatoes and one thing and another.

Senator LANE. When did you do this?

Mr. BOOZ. A few weeks ago.

Senator LANE. Why did you give them potatoes?

Mr. BOOZ. I had so many, and they were not worth anything.

Senator LANE. Did they need them particularly?

Mr. BOOZ. I should say they did.

Senator LANE. Did you think they were hungry?

Mr. BOOZ. Yes, sir.

Senator LANE. Do you think there has been much suffering on the reservation?

Mr. BOOZ. Yes; more than ever was known.

Senator LANE. Have they any rations issued to them?

Mr. BOOZ. No.

Senator LANE. How do they make a living?

Mr. BOOZ. They don't live much; they were kind of existing.

Senator LANE. Are they still in that condition?

Mr. BOOZ. They were when I left. The trading stores had all shut down on them. They could not buy on credit. They owed them so much now and they did not know whether they were going

to get any more annuity money and did not know whether their credit was good.

Senator LANE. The outlook for the Indians, then, under the present conditions, you think, is rather unfavorable?

Mr. Booz. Unfavorable; yes, sir. Just for instance, now, to show you what the reservation is, take my bills here and see what I have done when the outfits is all fighting me.

Senator LANE. What do you mean by that?

Mr. Booz. Heinrich and the other fellows on this side of the mountain. You can take my bills and see when I crossed the river with 307 head of cattle in 1902 and what my shipping bills is now and what I have got. I have got about 2,000 head of cattle. I paid \$200 for 53 bulls a year ago, and my cattle is all three-quarters and full blood, very few scrubs in the bunch. And with this little 45,000 or 50,000 acres, and with a start 13 years ago with 307 head, if I can ship \$55,000 or \$60,000 worth of stock, and sell horses and cattle to that amount it looks like there is mighty poor management that the Indians can not live when they own the whole outfit.

Senator LANE. When they own the grass?

Mr. Booz. When they own the grass. And you can look right there—

Senator LANE. Then, you think that as the lessee there has prospered the Indian has gone in the other direction?

Mr. Booz. Well, there is five considered to be millionaires, and I know good and well by my own experience of being with them that they have made a fortune right off the reservation.

Senator LANE. How many cattle did you say the Indians had when you first went there?

Mr. Booz. About 3,500, I would suppose, or maybe more. They branded about 3,500 calves.

Senator LANE. When you first went there?

Mr. Booz. Yes, sir.

Senator LANE. How many cattle would that represent?

Mr. Booz. That would represent between 12,000 and 13,000.

Senator LANE. How many have they now?

Mr. Booz. Very few now.

Senator LANE. How many do you suppose they would have, on an estimate?

Mr. Booz. I would not think over 700 or 800 or 1,000 head. It ought to be on record. They paid a man to count them last summer. That is what he told me—he said he was paid to count the cows.

Senator LANE. Will you get that record?

Mrs. GREY. I tried very hard to get it, Senator Lane. I do not think it would be here. Two years ago we had a hearing in the Indian agency office, and Mr. Scott said they did not have any data in the office to show how many cattle there were, and that the chief inspector said he was not counting them and they had no data to show.

Mr. Booz. These Indians have allotments along the Wyoming line, and they won't allow us to lease them. If they would allow us to lease them they would have money to buy what they wanted to eat. For instance, I paid Mr. Peters \$800 or \$900. They got my money, and the hay is standing over there, and the grass is going to waste, and I can't feed it.

Senator LANE. You have leased the land of him?

Mr. BOOZ. And paid him; yes.

Senator LANE. And they won't let you use the hay?

Mr. BOOZ. No, sir.

Senator LANE. Why?

Mr. BOOZ. They said it interfered with Mr. Heinrich. It would cut a few thousand dollars out of his pocket, I suppose.

Senator LANE. They were afraid your cattle would leak out through the fence?

Mr. BOOZ. His leak in, you know. I had 209 head in there, and when I shipped I had 4 head out and he had 23 head inside. He will put the checks in later. I have the checks where I paid the Indians.

Senator LANE. Do you know of any range that any of these lessees have fenced in on which they will not permit Indians' cattle to range?

Mr. BOOZ. Yes, sir.

Senator LANE. And is it in the lease that they should permit the Indians' cattle to range there?

Mr. BOOZ. Yes, sir; I suppose so. I could not say as to that. It is on the range that he used all the time.

Senator LANE. Where is that range?

Mr. BOOZ. It is from the Little Horn River to the Black Canyon, a country about—it is between 12 and 15 miles long, and that country all lays up from this Rim Rock back to the mountains. He cuts everything out of there in the spring and throws it below the Rim Rock, and saves this country to throw his cattle in in the fall so they would be safe in case of a big storm, so he can take his men and go and round them up and take them to hay. They even cut my cattle out. I was going through the range—I go right through the range, riding backwards and forwards. I said, "Have you fellows got any of my cattle?" They said, "Yes; there is a few down there." And I went down to the ID cattle and what they call the "stray bunch." They were going to throw them below the Rim Rock, where the cattle had fattened—his winter range. They had some of my cattle going there, to throw them over with these Indians' cattle and what they call the "strays." I said, "Fellows, I want my cattle," and I got 13 of my cows out, and in the bunch was a heifer, and the fire was still burning, and there was not a scratch on her.

Senator LANE. They were driving them over onto the "starvation" range. Is that right?

Mr. BOOZ. Well, the feed was not extra good.

Senator LANE. They were driving them off the good feed and onto the poor feed?

Mr. BOOZ. Yes.

Senator LANE. That all goes in the cattle business?

Mr. BOOZ. Yes. They say out there, "How is it you have built up so with your herd over there?" I said, "By good management and staying with them, and figuring on the losses and increases. You fellows with your feet up against the stoves in the banks and offices don't know what is going on, and I do. That is why I have prospered." I had quite a talk in the hotel there. They patted me on the shoulder and said, "You are right." These bankers know how much a man owes them, but they don't know how much he has got, and that it is how it occurs there are so many failures in the West.

Senator LANE. Yes; you are right about that. You say Heinrich has fenced his range and won't let Indian cattle go on it?

Mr. BOOZ. Well, he cuts them out. I have helped him time and again.

Senator LANE. Maybe it is leased.

Mr. BOOZ. It is, part of it—allotments.

Senator LANE. Does he drive the Indians off their own allotments and fence their allotments up?

Mr. BOOZ. I helped him to drive them off.

Senator LANE. Off their own allotments?

Mr. BOOZ. Below the Rim Rock. It is allotted along the creek, or very near it. There is one place in particular which they are holding for a summer reserve that is not allotted.

Senator LANE. That is more of a cattleman's reservation than it is an Indian reservation?

Mr. BOOZ. Oh, yes; decidedly.

Mrs. GREY. Right there, the records show that there are 2,300 of these allotments that are so controlled by the lessor, and the Indians are prohibited from occupying.

Mr. BOOZ. I don't know. Mr. Scott and none of his men has told me, but I have been told by others that has tried to lease their allotments that every 40 has to be fenced separate if you lease the allotment. That was done, I suppose, by the cowmen to keep the little men out.

Senator LANE. I have a letter from the agent. I think, or from the department to that effect.

Mrs. GREY. We have a very recent one that Mr. Meritt issued about six weeks ago, more stringent than any before.

Senator LANE. What kind of land is this?

Mr. BOOZ. It is good hay land. It could be watered very easily.

Senator LANE. Now, if the Indians are not permitted to use their allotments and can not use the range, how do they make a living?

Mr. BOOZ. They exist; they don't live.

Senator LANE. Have they any tools to farm with?

Mr. BOOZ. Very poor, and what they buy they buy the very poorest of machinery.

Senator LANE. Is that on account of poverty?

Mr. BOOZ. I don't know.

Senator LANE. Or on account of their lack of judgment?

Mr. BOOZ. They don't buy it. They have been getting it from the agent.

Mrs. GREY. What the trader furnishes.

Senator LANE. Is it what the trader furnishes?

Mr. BOOZ. Yes; what the trader furnishes.

Senator LANE. What do you mean by "poor"?

Mr. BOOZ. Poor quality of tools?

Senator LANE. Yes.

Mr. BOOZ. Take their very poorest make of a mower; it would last a year.

Senator LANE. What is that?

Mr. BOOZ. A mower to mow grass.

Senator LANE. What make is the poor mower? Or what is a good machine?

Mr. BOOZ. The McCormick is the best—McCormick and Deering. I don't know the poor ones, because I never used one of them.

Senator LANE. What do they cost?

Mr. BOOZ. \$65.

Senator LANE. What does a poor one cost?

Mr. BOOZ. They cost the Indians about \$75.

Senator LANE. What does it cost you?

Mr. BOOZ. \$65.

Senator LANE. For a poor one?

Mr. BOOZ. No; I never buy a poor one.

Senator LANE. They used to have to pay more than you did?

Mr. BOOZ. Yes, sir; they do at present. I went into Chicago and bought blankets there—a lot of pack blankets. I bought them there for 34 cents a pair. I went right to the agency and said, "What is these blankets worth?" and they told me \$2.25 apiece.

Senator LANE. Wool or cotton?

Mr. BOOZ. They were cotton—cheap blankets.

Senator LANE. Are these allotments that are included in the big leases dry land or well watered?

Mr. BOOZ. Some of them are well watered—most of them.

Senator LANE. Do the Indians complain about them?

Mr. BOOZ. Quite a little.

Senator LANE. Reliable Indians?

Mr. BOOZ. Yes; some of them mighty reliable—the best Indians on the reservation.

Senator LANE. How many farmers, stockmen, inspectors, and line riders are there on the reservation?

Mr. BOOZ. I could not say how many. I know part of them.

Senator LANE. How many do you suppose?

Mr. BOOZ. I would think there would be somewhere around 10, as near as I could figure it.

Senator LANE. Would they have an idea what was going on there if they were bright, able fellows?

Mr. BOOZ. They would if they were the right kind of men.

Senator LANE. Could they well avoid knowing?

Mr. BOOZ. They could not if they would get out. If they are going to sleep until 8 or 9 o'clock I could go and steel a herd—

Senator LANE. There is no way of their not knowing it if they are fairly good men, is there?

Mr. BOOZ. None whatever.

Senator LANE. How many Indians are really making a living out of farming do you suppose?

Mr. BOOZ. I guess about one-third of them, as near as I can say.

Senator LANE. What do they raise?

Mr. BOOZ. They raise grain and a little hay.

Senator LANE. Where is their market for grain?

Mr. BOOZ. They do not sell very much; they use it themselves. The traders buy most of it.

Senator LANE. Where do they ship it?

Mr. BOOZ. They sell it back to the Indians in the spring.

Senator LANE. The other Indians that do not raise it?

Mr. BOOZ. The Indians that don't raise it. They generally sell them the feed—been selling it to these big sheep outfits.

Senator LANE. Is anybody allowed to farm on these big leases?

Mr. Booz. Not that I know of. There is some farming where there has been some allotments leased.

Senator LANE. I mean on the big leases.

Mr. Booz. No; they don't farm there.

Senator LANE. They do not allow it? It would interfere with the grazing?

Mr. Booz. The grass is the best crop they consider that they grow there.

Senator LANE. What kind of grass do you have? Which is the best? Bunch?

Mr. Booz. Bunch and blue grass. Blue grass is better than bunch grass.

Senator LANE. Do you know anything about gramma?

Mr. Booz. There is some there.

Senator LANE. That is the best of all, is it?

Mr. Booz. Yes; that is fine.

Senator LANE. Did you ever know of any lessees cutting the Indians' wire fences?

Mr. Booz. I have drove through and rode through where it was cut, but I didn't see them cut it. The Indians have complained frequently about their driving their herds through their allotments, and I have seen the fence cut and thrown around.

Senator LANE. Is the big fence that was recently built a benefit to the Indians, in your opinion?

Mr. Booz. No, sir; there has been more dissatisfaction among the Indians since the ID range was cut into by this fence—

Senator LANE. Why is that?

Mr. Booz. It cuts them off from the allotments and from the summer resorts that they use up in the mountains where they go for an outing in the summer. And they have been told that their cattle and horses would be rounded up and put below this fence, on what we have always called the "desert."

Senator LANE. That is not the best range, then?

Mr. Booz. No, sir.

Senator LANE. You would not select it for your own cattle?

Mr. Booz. No, sir.

Senator LANE. You would rather be up in the mountains?

Mr. Booz. Yes, sir; where they get food. We never have a drought there in the mountains.

Senator LANE. As a cattleman, you would not put your cattle below the fence? You would not do it?

Mr. Booz. Not if they let me do it for nothing. Not under the circumstances, no. There has been sheep on it since November.

Senator LANE. Whose sheep are they?

Mr. Booz. Lee Simonson's.

Senator LANE. Who is he?

Mr. Booz. He has been leasing there.

Senator LANE. What effect would that have on the range, having these sheep going over it all last fall and winter?

Mr. Booz. It would kill the grass out.

Senator LANE. It would not improve the range?

Mr. Booz. It would make it useless for another year.

Senator LANE. Do you consider the fence of any benefit to the lessees—this fence across there? You say it did not benefit the Indians.

Mr. BOOZ. Yes; it would be a benefit if they would round up what Indians' cattle there is above the fence and throw them below the fence on what we always called the "desert." It would be a benefit to him, because it would take the Indians' cattle and horses off his good feed on the mountain, where he wants it for his own cattle.

Senator LANE. It seems, then, that the fence is just as much for the benefit of the lessees as it is for the Indians?

Mr. BOOZ. Yes; that is right.

Senator LANE. Or is it right?

Mr. BOOZ. That would be my opinion.

Senator LANE. And you are a practical stockman? That is your opinion of it?

Mr. BOOZ. I have been handling them a long time.

Senator LANE. Was there a fence on this same land before this was built?

Mr. BOOZ. Part of the way; I could not say how far.

Senator LANE. Who built that and what was it built for?

Mr. BOOZ. Dana built it. It was kind of, I think, a drift fence, as near as I can remember.

Senator LANE. To keep the cattle from drifting off before stormy weather?

Mr. BOOZ. To keep them from drifting off.

Senator LANE. What has become of it?

Mr. BOOZ. I could not say.

Senator LANE. It just disappeared?

Mr. BOOZ. It is gone.

Senator LANE. Was it the property of the Indians?

Mr. BOOZ. I suppose so. All the fences on the reservation was supposed to be left there.

Senator LANE. Do all the lessees build their own fences?

Mr. BOOZ. I could not say. I have built my own, I know.

Senator LANE. Are there any gates in this new fence?

Mr. BOOZ. I have never been along, but I have been informed that there were in places.

Senator LANE. Has it been cut, do you know?

Mr. BOOZ. I don't know that it has been cut. I have heard it was cut, but I could not say.

Senator LANE. Do you think these lessees would change their range in the hills or on the other side of the fence, acre for acre, with the range left to the Indians?

Mr. BOOZ. North of the fence; change it for the north side?

Senator LANE. Yes; for the desert side?

Mr. BOOZ. I don't think they would under any consideration.

Senator LANE. You said awhile ago you would not take it.

Mr. BOOZ. I would not take it as a gift.

Senator LANE. The present condition of the Indian range below the fence is what?

Mr. BOOZ. Below the fence?

Senator LANE. Yes.

Mr. BOOZ. It is mighty bad. There has been sheep on it ever since last November.

Senator LANE. You don't think it will fatten cattle if they put cattle on there for the Indians next spring?

Mr. Booz. I don't think so.

Senator LANE. It would keep a few, I suppose?

Mr. Booz. A few, of course.

Senator LANE. How much of a tract is it?

Mr. Booz. That would be hard for me to figure on in the desert.

Senator LANE. About how much?

Mr. Booz. I think it is about 20 or 25 miles long, and 15 or 20 miles north and south.

Senator LANE. Is it well watered?

Mr. Booz. No.

Senator LANE. Do the cattle have to go a long way for water?

Mr. Booz. Quite a way.

Senator LANE. Would the Heinrich range sustain a new herd for the Indians?

Mr. Booz. No, sir.

Senator LANE. Why?

Mr. Booz. It is stocked to full capacity now. That is my opinion, by riding over it—the grass that is on it and the cattle, you see.

Senator LANE. In your opinion, would the Indians eat the cattle up if they were given to them in individual herds?

Mr. Booz. I don't think so.

Senator LANE. Are they pretty good cattlemen naturally?

Mr. Booz. They are good stockmen naturally.

Senator LANE. Better stockmen than farmers?

Mr. Booz. Yes, sir.

Senator LANE. Have you employed Indians at this kind of work?

Mr. Booz. Yes, sir.

Senator LANE. Are they good workers?

Mr. Booz. Good; just as good as any bunch I ever hired.

Senator LANE. They are reliable?

Mr. Booz. Reliable.

Senator LANE. Are they honest?

Mr. Booz. As far as I know.

Senator LANE. Do they treat you square; do they do their work and not loaf on you?

Mr. Booz. Oh, yes.

Senator LANE. Do you think if the Indians were given control of their own allotments they would be able to make a living?

Mr. Booz. Yes, sir; I do.

Senator LANE. You have heard the Indians talk about the leasing of the "I D" range?

Mr. Booz. Yes, sir.

Senator LANE. Are they satisfied with the method of handling it?

Mr. Booz. No, sir; they are badly dissatisfied.

Senator LANE. Why? They think it is to their detriment?

Mr. Booz. Yes, sir.

Senator LANE. And you think so, too?

Mr. Booz. Yes, sir.

Senator LANE. You think there is no doubt about it?

Mr. Booz. No doubt whatever.

Senator LANE. Now, I have a statement here from the department that there were 20 head of cattle belonging to the United States and 2,159 head of cows belonging to the Indians. You said when you first went there they branded how many calves?

Mr. BOOZ. About 3,500.

Senator LANE. That would give them a herd of about how many?

Mr. BOOZ. About 13,000 or 14,000, without the calves. That is as near as I can recollect, you know.

Senator LANE. And 7,291 horses and cattle belonging to the Indians.

Mrs. GREY. Do you think there are that many there?

Mr. BOOZ. No.

Senator LANE. Could the lessees overstock the range without the inspectors knowing it was overstocked?

Mr. BOOZ. If they go amongst them they could.

Senator LANE. Don't they go amongst them?

Mr. BOOZ. I would not think they went much. I have been right where I am for going on 14 years, and I have never seen one of them over on my side, and I have rode from my place over to the railroad on the reservation line and rode across the reservation line going on 14 years and they have never been there. And over there where there was 745 head of cattle stolen I have invited them over and tried to get them to come over there and they have never come. The line rider that was drawing wages—he told me Mr. Scott was paying the wages—riding the line along the south line of the reservation in Wyoming, I never saw him the whole summer, and I crossed the reservation from three to five times a month, and the only time I would see him was down at his own house.

Mrs. GREY. What is his name?

Mr. BOOZ. Dave Stewart—I think it is Dave, but it is Stewart.

Senator LANE. Now, if these big ranges were cut up into smaller tracts and leased out to smaller stockmen, would it bring better prices, do you think?

Mr. BOOZ. Yes, sir.

Senator LANE. It would be better for the interests of the Indians? That would be better, of course, for the Indians?

Mr. BOOZ. Yes; I would think so.

Senator LANE. Now, an inspector is a man that is supposed to know the condition of the range and whether it is overstocked?

Mr. BOOZ. That is what he is supposed to know.

Senator LANE. That is what he is hired for?

Mr. BOOZ. Yes, sir.

Senator LANE. Do you think the range is overstocked?

Mr. BOOZ. It is stocked all it will hold at present. I was going to say, I never saw the reports, but I have been told that the inspector said there was enough there. The grasshoppers had ate all the range up. There is my bill shows where 200 head of cattle brought 8 cents right on the forest reserve, and Frank Heinrich's—outside—some of his cattle brought \$1.35 right off the range.

Senator LANE. Did Heinrich at one time refuse to accept a check in payment for your sublease?

Mr. BOOZ. Yes, sir; twice.

Senator LANE. How did you pay him finally?

Mr. Booz. Paid him in cash, I suppose. Snidow paid him. You can see in this letter—paid him one check for \$4,333.

Senator LANE. How long ago was this?

Mr. Booz. That was three years ago in February.

Senator LANE. Did he accept checks formerly?

Mr. Booz. I don't know how Snidow, my partner, settled with him. Mrs. GREY. It was in September. He was afraid to take the check because I was there. You see the date of it.

Senator LANE. September 18, 1913.

(The letter referred to is as follows:)

[T. A. Snidow, Billings, Mont.]

SEPTEMBER 18, 1913.

Mr. JOHN H. Booz. *Parkman, Wyo.*

DEAR JOHN: I was at Lodge Grass to-day, and when I arrived home I received a letter from you, also a wire. Mrs. Snidow mailed you check book this eve, as I thought she had when she arrived home. I had a letter from Mr. Heinrich Monday to come to Lodge Grass to-day, and I went down to see him. I supposed he wanted us to settle for what we owed him, but he would not take a check, and I can't write in this letter what he had to say. But will be down Sunday on 42 train, and want to have a talk with you.

Yours, truly,

T. A. SNIDOW.

Senator LANE. These men sent out by the Government, they are helping the lessee and being paid by the Government?

Mr. Booz. Yes; when you round up a bunch of cattle they brand everything—these fellows that are paid by the Government. You see, they brand everything.

Senator LANE. And they are there to guard the Indians?

Mr. Booz. They are supposed to.

Senator LANE. And they help the other fellow do the work. They do not have a separate range division?

Mr. Booz. They are not permitted to; not of late days.

Senator LANE. He says in this letter:

But he would not take a check, and I can't write in this letter what he had to say. But will be down Sunday on 42 train, and want to have a talk with you.

Mr. Booz. Heinrich said he would take off this \$3.50 for what cattle he had shipped, and would not charge us for shipping.

Senator LANE. Did he charge you?

Mr. Booz. No.

Senator LANE. Was that the time Mrs. Grey was on the reservation?

Mr. Booz. Yes; she went down on the train as Snidow and I went in.

Senator LANE. Before that they had charged you and accepted your checks?

Mr. Booz. They would charge me—it is taken out, you see [referring to a shipping bill]. There is the steer that is shipped, and they have taken out \$3.50 for shipping expenses.

Senator LANE. They had always done that before?

Mr. Booz. Yes.

Senator LANE. And this time they did not?

Mr. Booz. No.

Mrs. GREY. This letter does not refer to that check. They did not accept the check for \$13,000.

Mr. Booz. No; it was later.

Senator LANE. They refused to accept the \$13,000 check from you in payment of the range and shipping expenses?

Mr. BOOZ. You see, Snidow is the man that said they would not take no check. I don't know whether it was the check or was cash. You see there by the letter it was \$7,000.

Senator LANE. There was evidence before the commission a while back that the farming lands of the Indians were fenced, almost without exception.

(The witness also submitted the following:)

[T. A. Snidow, Billings, Mont.]

JANUARY 8, 1914.

Mr. JOHN H. BOOZ, *Parkman, Wyo.*

DEAR JOHN: Your two letters received about some cattle, and will say in reply you are the cow man and anything you do is all right with me in handling the cattle. As to the cattle market they seem to be going down a little all the time. Our money is all gone out of the Huntley Bank, and I borrowed \$3,000 last week and put in Huntley Bank for running expenses. We will have to rustle money to pay Heinrich when he gets ready to settle. And I have just received notice from the United States marshal that you and I are subpoenaed to appear before the United States District Court of Wyoming for illegal fencing. I don't know what the outcome of this will be, whether it will be a fine or imprisonment, or both. I think we had better come up and we will talk matters over and see what is best to do. I have asked for a little more time. I wanted to see you and find out what the trouble is. Come up as soon as you can.

Yours, truly,

T. A. SNIDOW.

(Thereupon, at 2.05 o'clock p. m., the joint commission adjourned to meet to-morrow, Wednesday, March 18, 1914, at 7.30 o'clock p. m.)

MARCH 18, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

Washington, D. C.

The commission met in its office, room 128, in the Senate Office Building, at 7.30 o'clock p. m.

Present: Senator Lane (acting chairman) and Representative Stephens.

TESTIMONY OF JOHN H. BOOZ—Resumed.

Senator LANE. Mr. Booz, you are familiar with conditions on the reservation up there, for the reason that you have lived there a good many years?

Mr. BOOZ. Yes, sir.

Senator LANE. I will tell you, Mr. Booz, there have been complaints made to this commission that the interests of the Indians are not being given the first consideration. The Indians and others have made that complaint, to the effect that the interests of the white men who have stock on the range and other interests of that sort are considered and given greater consideration than are the interests of the Indians. We are only concerned with finding out the facts without prejudice to anybody. Of course, naturally, we want the Indians to get exactly what belongs to them, nothing more and nothing less.

There has been more or less suffering among the Indians this winter?

Mr. BOOZ. More than I ever saw in 21 years.

Senator LANE. And I think I understood you to say the other day that they were really short of food supplies?

Mr. BOOZ. Yes, sir.

Senator LANE. Do you know whether or not they received their annuity this year?

Mr. BOOZ. Several told me they had not before I left home.

Senator LANE. What were they eating when you left, those you were acquainted with?

Mr. BOOZ. It was mighty poor. I did not see it, but honorable Indians told me that some of the tribes were eating dogs, not altogether—they said some of the Indians were eating dogs.

Senator LANE. To help pull themselves through?

Mr. BOOZ. Yes, sir.

Senator LANE. For the actual necessities of life—and what else would they have to eat? I think you said they were eating flour?

Mr. BOOZ. Potatoes and flour. Some of the Indians have been a nuisance along the Wyoming line.

Senator LANE. Begging, you mean?

Mr. BOOZ. Begging of the settlers.

Senator LANE. Were those Indians who had allotments—they were allotted Indians?

Mr. BOOZ. Most of them, maybe all of them; I could not say, because I do not keep any tally of the different Indians who are allottees, or anything like that.

Representative STEPHENS. Most of them are allotted, are they not?

Mr. BOOZ. Most of them are allotted; some are not. Mrs. Dillon told me she was allotted up at Huntley, but her allotment was canceled.

Representative STEPHENS. They were allotted good lands, were they not?

Mr. BOOZ. Mrs. Dillon had the finest place on the Yellowstone, where Huntley is now.

Senator LANE. The allotments of these Indians, you say, is pretty good land?

Mr. BOOZ. Most of it.

Senator LANE. What is it good for?

Mr. BOOZ. It is good for farming and grazing land; it is extra good grazing land.

Senator LANE. What is farming land worth there, about, in the open market?

Mr. BOOZ. Land of the white men or the Indians?

Senator LANE. White men and the Indians, if you were going out to buy it?

Mr. BOOZ. I bought a place adjoining the allotted land for \$2,200 and held it—I could not say whether it was 14 months or 16 months—and sold it for \$4,800, and the B Company got hold of it. They gave \$21,500 for it; I think it was either 14 or 15 years after I had bought it for \$2,200.

Senator LANE. How many acres were in that?

Mr. BOOZ. One hundred and sixty.

Senator LANE. Land is worth there about how much an acre, good farming land, allotted like it would be?

Mr. BOOZ. You mean off the reservation, or on the reservation?

Senator LANE. On the reservation.

Mr. Booz. I would think \$25 to \$35, irrigated land, with water on it under ditch.

Representative STEPHENS. What do they raise—potatoes, corn, and vegetables?

Mr. Booz. Some of them do. There are not many of them who farm—about one-third. As I stated yesterday, Mr. Stephens, one-third of them made a living by farming. I will say this: By "farming" I mean with their stock included, you know. They would sell a horse or two or a beef or two with the stuff they would raise on the farm—their hay and such as that.

Representative STEPHENS. You raise potatoes yourself, do you not, for your men?

Mr. Booz. Yes, sir.

Representative STEPHENS. How many men have you on your ranches?

Mr. Booz. On the two ranches I have six men and two lady clerks.

Representative STEPHENS. Eight persons, then, all the time?

Mr. Booz. Very near all the time.

Representative STEPHENS. Do you have to buy any potatoes?

Mr. Booz. Oh, no.

Representative STEPHENS. How many men do you have raising those potatoes?

Mr. Booz. We raise a garden and potatoes with the other things. I had potatoes in my cellar to sell, but there is no sale for them. I have been giving them to the Indians.

Representative STEPHENS. How much can you raise to the acre?

Mr. Booz. Potatoes?

Representative STEPHENS. Yes.

Mr. Booz. Oh, good acres raise 150 bushels.

Representative STEPHENS. Does it take very much labor to raise 150 bushels to the acre?

Mr. Booz. Not very much.

Representative STEPHENS. One hundred and fifty bushels would keep a family a year?

Mr. Booz. Quite a while.

Representative STEPHENS. How many days' work would they have to put in to raise an acre of potatoes?

Mr. Booz. About 10 or 12 days.

Representative STEPHENS. Is there anything to prevent them raising potatoes on their own land, if they would work just a little bit?

Mr. Booz. If they had the seed, there would not be.

Representative STEPHENS. The Government furnishes seed when they want it, does it not?

Mr. Booz. I could not say.

Senator LANE. Do they have teams to plow the lands?

Mr. Booz. Very few of them have teams—good teams. Some have teams, but very few have extra good teams that they can farm with. They are pony teams, most of them. Some of them have as good teams as anybody, for which they pay as high as \$500 for a team.

Senator LANE. And those people who have teams, do they raise potatoes?

Mr. Booz. Well, I could not say how many of them raise potatoes; they raise potatoes on the reservation.

Representative STEPHENS. If white men were in the same condition as the Indians, having as good land as they have, do you think the Government should support them and raise potatoes for them? Would not the white man work or starve?

Mr. Booz. The white men would raise potatoes.

Representative STEPHENS. They would have to work or starve. Are the Indians any better than the white men?

Mr. Booz. I do not know that they are.

Senator LANE. What were you going to explain?

Mr. Booz. I was going to explain the situation on the reservation when I went there.

The Indians have been spoken of many times as having about 25,000 or 30,000 head of horses and 12,000 or 13,000 head of cattle. I could not say just exactly what number they had, but to-day they have scarcely any horses or cattle. I do not see them when I ride across the reservation. I have a ranch over here 50 miles from the railroad, just adjoining the reservation, and I cross the reservation coming to Parkman during the summer on an average of three or four times in the month, and in crossing the reservation over this way [indicating] and the other way, going out toward Billings, I do not see any stock like I did years ago when I first went in, or before when the country was lined with horses, and in riding across the reservation you were hardly ever out of sight of horses and cattle.

Senator LANE. They have farmers there to show them how to farm, do they not?

Mr. Booz. Yes, sir.

Senator LANE. Do you know how many?

Mr. Booz. I could not say exactly. I think six or seven employees. I do not know whether they are all farmers—what they do; some of them farm.

Senator LANE. Have they improved their farming methods since you came there?

Mr. Booz. They have.

Senator LANE. What do the Indians live in—houses or tents?

Mr. Booz. They live in houses part of them and part of them live in tents.

Senator LANE. Have they thoroughly good houses?

Mr. Booz. Fairly good. Most of them are pretty fair shacks or shanties, small houses, and some of them around the agency have very good houses. Mr. Scott, in his testimony, said that the range below the fence in the summer time was just as good as above the fence up in the mountains. I asked him if in the summer there was as good range to feed cattle, and he said there was good range everywhere in the summer, and I asked him if it was just as good grazing on the lowland in the summer and in the fall, and he replied "Oh, yes," and I further asked, "As it is in the mountains and in the spring?" and he said, "Just as good." I asked, "It does not differ?" and he replied, "I think there is not an appreciable difference. Of course there are spots here and there that are good; others that are not good, but I can not say that one section is better than the other as far as that goes." And he did not seem to know, and he said himself he did not know much about it; that he was not a cattleman.

Representative STEPHENS. Is that the reservation where they have two farms and six farmers?

Senator LANE. I think so; I think that is the place.

Mrs. GREY. The Indians are not permitted to occupy their allotments.

Senator LANE. Mr. Booz said that if the Indian goes into farming he has got to fence up tight.

I do not know but what Mr. Booz's evidence has covered pretty nearly the whole ground that I had in mind when I called him in the first place the other day, and that was to find out more particularly about these leases.

I want to ask you, Mr. Booz, if you know of any cases where the Indians' cattle have been branded by the lessees?

Mr. BOOZ. You mean the ID cattle that were sold to the white men?

Senator LANE. Branded.

Mr. BOOZ. The white men branded them?

Senator LANE. Yes.

Mr. BOOZ. I could not say; I have heard that. I never saw it myself.

Senator LANE. I want to know if you know anything about Scratches-his-Face's fence and his cattle being scattered or anything about that?

Mr. BOOZ. Yes.

Senator LANE. Was that done intentionally?

Mr. BOOZ. I could not say whether it was. I have ridden through his fence where it was cut, and the wire thrown around, but I can not say whether it was cut intentionally or not. I have seen his cattle on the mountains when he tried to keep them in his pasture. I could not say whether they followed other herds out there. You understand that a cow will naturally go to a mountain where there is good range and fresh water in preference to staying on the lowland in the summer; that they drift to the low ground when the snow and storms come.

Senator LANE. Do any of the Government employees run cattle on the range that you know of for their own private benefit?

Mr. BOOZ. I could not say. I have heard they did; I have heard so.

Senator LANE. We only want what you know of your own knowledge.

Mr. BOOZ. I could not say whether they do run cattle.

Senator LANE. We do not want any hearsay. It would not be fair to you or them either.

Are the lessees permitted to buy Indians' cattle and ship them without inspection?

Mr. BOOZ. They do. I do not know whether they are inspected or what is done with them.

Senator LANE. They buy cattle from the Indians and ship them without inspection?

Mr. BOOZ. Heinrich does, or the company or whoever is representing him.

Senator LANE. Is that the proper procedure?

Mr. BOOZ. I do not know whether it is or not.

Senator LANE. Mrs. Grey, do you know what the rules are about that?

Mrs. GREY. They are very strictly against it.

Senator LANE. Whose rule is that?

Mrs. GREY. I think it is an Indian Affairs or Interior Department rule.

Senator LANE. Why is there such a rule?

Mrs. GREY. Because, if the lessees own the same brand as the Indians, it gives the lessees an opportunity of disposing of Indian cattle.

Senator LANE. Would there be any record of the Indians' brands sold, or would there be a record of the lessees' cattle only, do you know, Mr. Booz.

Mr. Booz. There ought to be. For instance, there is an Indian's brand there. I would buy that brand; and, say, he had 40 head of cattle, and I would put my brand on that "ID," what would prevent me putting my brand on 15 or 20 of those "ID" steers belonging to the Indians, when they are scattered over 300,000 or 400,000 acres and shipped in large herds and train loads going to market? I have never owned an "ID" steer with "MY" on it.

Representative STEPHENS. Is it customary among the cattlemen to counterbrand?

Mr. Booz. They all do; yes, sir.

Representative STEPHENS. Do they do that on the Indians' reservation?

Mr. Booz. No, sir; I have never saw one brand since I have been there. I do not think they allow it on the reservation. I do not think they allow the "ID" brand to be monkeyed with, burnt or anything like that—counterbranded.

Senator LANE. Mr. Sloan informs me they prosecute them up in his country.

Mr. Booz. Would you gentlemen just let me show you how they work the "ID" brand?

Representative STEPHENS. I know; possibly the Senator does not.

Mr. Booz (making pencil sketch). There [indicating] is the "ID" burnt this way and there is the "Co." burnt this way, only they do a better job than I have done. They run this down through there and that through there.

Representative STEPHENS. It is what is called "burnt brands" on the range?

Mr. Booz. Oh, yes. I owned the ranch, tore down the chute where they branded. I believe they counted 745 of them.

Senator LANE. Where they had been branding?

Mr. Booz. And they have had me branded as a thief and beggar ever since I bought them out and persuaded the Government officers to come over and see my outfit; and my branders are men that I pay so much a head on everything I ship, and they never have found anything that was wrong with my herd, and I have been working and building it up in the 14 years.

Senator LANE. You say there have been 700 of those rebranded?

Mr. Booz. Seven hundred and forty-five head counted out of that place before I got it. Garvin and Lee are the men who served the term in the penitentiary for burning out the brands.

Senator LANE. They punished those fellows?

Mr. Booz. They got one year and \$1,000, and they took the pauper's route for the fine and did not have the \$1,000 to pay, I understand.

Senator LANE. That was some time ago?

Mr. BOOZ. Yes, sir.

Senator LANE. Has there been anything of that kind happened lately?

Mr. BOOZ. Nothing in there.

Senator LANE. Do you know of any more of it anywhere else?

Mr. BOOZ. No, sir.

Senator LANE. Is there any complaint?

Mr. BOOZ. I have not seen any.

Senator LANE. Is there any complaint?

Mr. BOOZ. Yes; there has been some complaint.

Senator LANE. Not a great deal?

Mr. BOOZ. There have been several cases.

Senator LANE. Isolated instances?

Mr. BOOZ. Yes.

Representative STEPHENS. No more instances than there would be among the same number of white men?

Mr. BOOZ. Not any more.

Representative STEPHENS. It is a very common thing on the range to have cattle rebranded so as to change the original brand.

Mr. BOOZ. They do not brand them out.

Representative STEPHENS. What they call "burnt" brands or "changed" brands.

Mr. BOOZ. They do not change them; they are not allowed to change them by law.

Representative STEPHENS. I understand, but they sent those fellows to the penitentiary for that very thing and do prosecute all the cases they get proof on, as far as you know?

Mr. BOOZ. Yes, sir.

Representative STEPHENS. Have you ever bought any Indian cattle?

Mr. BOOZ. I never have.

Representative STEPHENS. Have there been any burnt cattle on your range?

Mr. BOOZ. I shipped some of these mashed [O].

Representative STEPHENS. What else did you want to say about that?

Mr. BOOZ. About the cattle on the reservation?

Representative STEPHENS. Yes.

Mr. BOOZ. I have heard the Indians complain about the Heinrich Co. branding cattle, but I never saw the cattle.

Representative STEPHENS. And you do not know of your own knowledge anything about it?

Mr. BOOZ. I do not know of my own knowledge that it was done, because I did not see the cattle they have complained to me about being branded. The department ought to know something about it; I think they have had quite a lot of investigation.

Representative STEPHENS. You run steer cattle altogether?

Mr. BOOZ. Oh, no.

Representative STEPHENS. Do you raise cattle?

Mr. BOOZ. Yes, sir; I believe I made the statement about crossing the river with 307 head in 1902, did I not, Senator?

Senator LANE. I do not remember.

Mr. BOOZ. I crossed the Bighorn River in 1902 with 307 head of mixed stock, mostly she stock.

Representative STEPHENS. Since that time you have been raising from that stock?

Mr. Booz. I have been buying and raising, and to-day we have in the neighborhood of 2,500 head, cattle and horses, and, as I want to explain, my partner, Mr. Arnold, and I went in together. Snidow bought in with us three years afterwards—no; four years afterwards. I would not be positive—three or four years afterwards—and we run together about a year, and Snidow bought Mr. Arnold out. That gave us two-thirds interest in the Basin Cattle Co. I paid all the notes out of the cattle since that time. I think he said that he put in \$25,000 or \$26,000—I could not say exactly how much; about that much in money—and since that I have paid all of the joint notes out of the Basin Cattle Co.'s steers.

Representative STEPHENS. The Indians, you say, had this common brand; they were not allowed to brand with individual brands?

Mr. Booz. The Indians' cattle—the company cattle wore the ID Co.; the individual cattle wore their own brand with ID on them.

Representative STEPHENS. Were their cattle stock cattle—yearlings, cows, and all kinds?

Mr. Booz. Mixed cattle; yes.

Representative STEPHENS. What kind do they sell—yearlings, 2-year olds, or steers, largely?

Mr. Booz. I could not say. I was on the corral looking through their cattle, what they called the "stray bunch," and I think it was two loads, and quite a lot of yearlings and 2-year olds and mixed cattle—Indian cattle—mixed through these. I was looking to see if any of mine were being shipped off the range.

Representative STEPHENS. Do they ship the heifers?

Mr. Booz. These were heifers; mixed cattle. The record in Chicago ought to bear me out in what I said by the weights of these cattle. These yearlings and 2-year olds ought to be there on the record with the ID brand, and the weights, and where the money went, and everything. Whether it is or not, I could not say.

Representative STEPHENS. The State has inspectors?

Mr. Booz. We pay our inspector, and I suppose the Montana men do the same.

Representative STEPHENS. Then there would be a record made of all these Indian cattle that would be shipped?

Mr. Booz. There ought to be.

Representative STEPHENS. Both there and at the points where they are received?

Mr. Booz. I am especially interested in seeing that I get my money. If I ship "I D" cattle I report to the Indians who shipped them and state what they bring, and they get the money.

Representative STEPHENS. Do you have better range than the Indians' range?

Mr. Booz. I have got what is called the "dry corner" of the reservation, on the west side of the Big Horn Mountains.

Representative STEPHENS. Is your range crowded?

Mr. Booz. Not so very much; not on this dry corner. Without this dry corner I would have to practically go out of the cow business.

Representative STEPHENS. Do you know whether the Indians' range has been crowded so the range would be injured?

Mr. Booz. Yes, sir.

Representative STEPHENS. Have there been some "die outs"?

Mr. Booz. Yes; quite a lot of them.

Representative STEPHENS. Have some lost 50 to 90 per cent?

Mr. Booz. Yes, sir.

Representative STEPHENS. Do you know the Herring Cattle Co.?

Mr. Booz. No, sir.

Representative STEPHENS. Do you know of any Texas companies that were raising cattle and lost 50 to 90 per cent?

Mr. Booz. Yes, sir. Guggle & Simpson, I understood, lost 75 to 80 per cent of their cattle.

Representative STEPHENS. They came through with very few. They had crowded their ranges, had they not?

Mr. Booz. They had crowded their ranges, and there was no grass in the fall for them to pick up. I used to work for Guggle & Simpson.

Representative STEPHENS. Would not that be about the same case if the Indians' range was crowded; their cattle would die the same, would they not?

Mr. Booz. If they were not prepared to take care of them with hay and feed.

Representative STEPHENS. The Indians do not take very good care of stock, do they?

Mr. Booz. They love a cow and a horse better than the white man.

Representative STEPHENS. Do they take care of them in the winter?

Mr. Booz. If they would fix it so they could put the land in hay instead of trying to make farms, good stockmen could be made out of them and they would be all right.

Representative STEPHENS. Do they ever put up hay to take care of cattle?

Mr. Booz. I have the checks here to show what I paid for Indian hay.

Representative STEPHENS. For their own cattle, I mean.

Mr. Booz. They have not got much to feed. There [exhibiting papers] are checks that I paid for Indian hay.

Representative STEPHENS. They have got the native grass on the range?

Mr. Booz. Would you let me explain about the reservation—about the cattle business there?

Representative STEPHENS. Yes. Have they not got the low grounds?

Mr. Booz. The white men have got that.

Representative STEPHENS. How do they get it? Is it leased to them?

Mr. Booz. Leased to them. Take myself, here, for instance. I crossed the river with 307 head of cattle, and to-day they are worth \$250,000, or around that. I have made that, although they have fought my business ever since I crossed the river. What could I have done if they said, "Booz, you may take this Peters place; you can have 1,320 acres in that; you can put up a kind of an experiment place and let the Indians see what you are doing." I could not get the Peters place, and right here was Frank Heinrichs, who went over and leased George Pease's place at the same time I was trying to get this, and to-day he owns it.

Representative STEPHENS. Who was the agent he leased from?

Mr. Booz. Mr. Reynolds.

Representative STEPHENS. Where is he now?

Mr. Booz. Billings.

Representative STEPHENS. Is he out of the Indian Service?

Mr. Booz. Yes, sir.

Representative STEPHENS. How long did he lease for?

Mr. Booz. I could not say how long. He owns it now and has a deed for it.

Representative STEPHENS. It was sold afterwards and he bought it?

Mr. Booz. He leased it and then bought it.

Representative STEPHENS. When it was sold, he bought it?

Mr. Booz. George Pease's place and his wife—he got that, and the other he leased until the boys become of age, and they are using that themselves.

Senator LANE. As I understand you, then, the Indians have no cattle to feed the hay to if they put up the hay?

Mr. Booz. They have very few cattle. They had a man counting them last year, which ought to be on record. He is considered the man who ought to count them. He had a fair show to count them. I said, "How many cattle of mine did you count?"—Mr. Scott said he was going to hold my cattle for trespassing—and he said, "We counted 20 of yours that had drifted from the reserve out to Heinrich's or the reservation." So I supposed he was taking and counting—taking a correct count of them.

Senator LANE. Some of the hay they do raise, then, they raise for market, do they not?

Mr. Booz. I understand the lessees were to buy it.

Senator LANE. That is their only market for it, is it?

Mr. Booz. I could not say. They might sell it to other people.

Senator LANE. Who else would they sell to and how far would they have to haul it?

Mr. Booz. There are 123 tons that I bought and paid for, the hay which is standing there, and I can not feed it.

Senator LANE. Why can you not feed it?

Mr. Booz. Mr. Scott forbid me putting any cattle down there.

Senator LANE. Do these other lessees need the hay for their cattle?

Mr. Booz. Who is that?

Senator LANE. Heinrich and others; do they need the hay?

Mr. Booz. We do not need much hay this year.

Senator LANE. So there was not much of a market for hay?

Mr. Booz. Not much of a market for hay.

Senator LANE. If the Indians have no cattle to feed their hay to, and can not sell to the lessees, they are left with it on their hands?

Mr. Booz. That is right.

Senator LANE. Is there much hay left on the reserve this year?

Mr. Booz. I could not say how much of it was bought. I have not been amongst them very much. I know there are 123 tons that is paid for and which is supporting a lot of little papooses with feeding grub and wearing clothes which that money bought, and I can not feed the hay.

Senator LANE. Can you not haul it?

Mr. Booz. Oh, no; I could not haul it out at all.

Senator LANE. Could you not sell it to anybody else?

Mr. BOOZ. No, sir.

Senator LANE. Why not?

Mr. BOOZ. Bostwick and Heinrich's cattle are around there to eat it.

Senator LANE. If you can not find a market and the Indians can not find a market, why do you not sell it? Could you not ship it to Billings?

Mr. BOOZ. Oh, no; it is 15 miles by railroad.

Senator LANE. The lessees have a contract to buy this hay themselves, do they, from the Indians; that is in their contract?

Mr. BOOZ. I have never read the contract.

Mrs. GREY. It is in every contract made; they must buy it at the market price.

Senator LANE. I do not think that was in the contract that we saw.

Mrs. GREY. It is in every one of them, Senator Lane.

Senator LANE. I did not see it. Have you got a copy of those contracts here?

Mr. KEATING. We have a copy of all those contracts.

Senator LANE. You had better make that statement. As you understand it and told it to me, and as you have written to me, if the Indians were allowed to sell their hay which is inside of their fence lines to the highest bidder who would come inside the fence lines and feed it to his cattle, that the Indians would not be in the state of destitution they are now in?

Mr. BOOZ. That is right.

Senator LANE. And you have offered in several instances to buy this hay and feed your cattle and keep them off of the lessees' range?

Mr. BOOZ. That is right.

Senator LANE. That is the complaint that Booz and the Indians make.

Representative STEPHENS. How many Indians have got hay in that position?

Mr. BOOZ. There are 6, I think, that own hay in those 123 tons [exhibiting checks].

Representative STEPHENS. How many acres of land would the six Indians have?

Mr. BOOZ. I think they own about 2,600 or 2,700 acres—that is, they and their families.

Representative STEPHENS. About how many cattle would that take care of during the winter?

Mr. BOOZ. The feed that is in there, if they put it up in good shape—lots of it they did not put up. It was late, and we had early snows in September. It would take care of 500 head of cattle.

Representative STEPHENS. How much a head would that be when fed to cattle?

Mr. BOOZ. I consider every ton of hay you put in a steer to make the value of about \$5.

Representative STEPHENS. It would be worth \$2,500, then?

Mr. BOOZ. Yes.

Senator LANE. Are there more places on the reservation besides these six?

Mr. BOOZ. I should say, plenty of them.

Representative STEPHENS. These receipts here indicate that.

Senator LANE. I want to know how many other places there are where the Indians could put up hay and sell it this way if the outsiders were allowed to come in and feed it. Do you know how many?

Mr. Booz. A pile of them.

Senator LANE. As many as 15 or 20?

Mr. Booz. Fifty or sixty.

Senator LANE. Do you know of any cases of destitution there that have gone so far that the children of the Indians have been sick in consequence or maybe lost their lives?

Mr. Booz. Only one case. He is a particular friend of mine. I have taken quite a lot of interest in him. He is a mighty good man, part Sioux; he married a half-breed Crow. His little girl was sick. The house is on my road across backwards and forwards, and I stopped several times. The little girl was sick, and her father had come from the store with a little grub. I loaned him \$10, and he went down and got some grub, and in the bill of grub there was several cans of condensed "Carrie Nation" milk, which stands that high [illustrating], and the mother took it and gave it to the child, and it drank nearly the whole can of milk. It died in a few days. I made the remark, "That little child will drink so much of that condensed milk that it will make it sick," and Mrs. Dillon she took it away, and when I went back it was dead of indigestion of the bowels.

Senator LANE. That came from gorging itself. Was it hungry before that?

Mr. Booz. Mrs. Dillon told me they were living on potatoes and flour mixed with water. She said they did not have any lard or sugar. I said, "I will show you where my heart is good," and I loaned her \$10, and they went down and got some grub. That was the time they came up with stuff they had bought, when the child got a hold of the milk. The child had been sick quite a while. I could not say the condensed milk killed it, understand me.

Senator LANE. Mr. Booz says that the condition of the Indians, Judge, has been going down hill ever since he has been there, and it is worse now than at any time in his experience in 14 years, and gradually getting worse. On the other hand, the les-sees have grown wealthy off of it.

Representative STEPHENS. Including Booz himself. If the Indians were permitted to sell their hay, Mr. Booz, would that relieve the distress among them?

Mr. Booz. Oh, yes.

Representative STEPHENS. About how much have they put up, do you think?

Mr. Booz. I would suppose on the reservation they must have around 1,500 and 2,000 tons.

Representative STEPHENS. That would be \$10,000, at \$5 a ton?

Mr. Booz. Yes.

Representative STEPHENS. Is it not a fact that the Indians' fences are very poor?

Mr. Booz. They are very poor, most of them; some of them have good fences.

Representative STEPHENS. Suppose you should put your cattle inside some of those bad fences?

Mr. Booz. I am man enough to fix the fence—buy wire and fix them.

Representative STEPHENS. Suppose other men should buy the grass up besides you?

Mr. Booz. They would get out on the reservation.

Representative STEPHENS. Do you suppose they would build up the fences?

Mr. Booz. They have a contract with the Indians, and the Indians would see they did build it up.

Representative STEPHENS. Is not that the objection of the other lessees?

Mr. Booz. It is the objection of them; but my cattle were in a 1,700-acre pasture, with good fences, and when I put in my 209 head of cattle—when I rounded them up to put them on the cars to ship, I was out 4 head, and Bostwick and Heinrich had 23 head of cattle in with my beeves. There were 23 of the company's cattle inside of the Indian pasture and 4 of mine outside.

Representative STEPHENS. Did you complain to Mr. Scott about these Indians not being permitted to sell their hay?

Mr. Booz. I could not complain to Scott.

Representative STEPHENS. Why?

Mr. Booz. I am mighty near what you call a "peon." I could not get off my Wyoming ranch anyway without coming across Scott's domain, and he would say, "Booz, you keep off of this reservation"; and how would I get backward and forward from one home to another and to the post office?

Representative STEPHENS. Did he know that you had bought this hay?

Mr. Booz. I suppose so. He sent me a telegram—it ought to be on record here somewhere; I sent it to Washington—where he told me to put my cattle over there and keep them inside.

Representative STEPHENS. That would be a fair proposition, would it not?

Mr. Booz. That was fair; I have no objection.

Representative STEPHENS. Why did you not do it?

Mr. Booz. I did; but after I put these cattle there and agreed to buy this hay and ship them I had cattle over at my home ranch, right across the reservation line, and I wanted to put them on to feed this hay, and he forbid me to put any more on. He said the stockmen were going to hold my cattle, what few drifted over there, for trespassing.

Representative STEPHENS. Had they trespassed on their ranges?

Mr. Booz. Oh, yes; a few, maybe—15 or 20. The Government man who was counting up the Indian cattle was counting mine, and he said he counted 20; but when I rounded up my beeves on the forestry range, over 50 miles from the railroad, I brought 53 of Bostwick's and Heinrich's cattle—big fat cattle, ready to ship—and he sent a man and told me to turn them loose over near the railroad in one of his pastures, which I did. I did not ship them. I never charged him a cent for shipping cattle since we have been neighbors. He has charged me \$3.50 for range fees and shipping fees.

Representative STEPHENS. That is a row between you and Heinrich, the other lessee?

Mr. Booz. That is all right. I guess I never kicked about that. I have been making money. I am not down here trying to graft or get graft. All I am trying to get is a fair, square deal, and come from my home where I have lived, trying to get a right so I can get from my ranch out to the road backward and forward from the ranch to the railroad, and from the ranch over across the other way to the post office, where I have to go across the reservation. Suppose Mr. Bostwick or Mr. Heinrich, whoever owns the brand, would say, "You order Booz to stay off that reservation." what would I do?

Representative STEPHENS. Do they refuse to let you haul hay home?

Mr. Booz. I could not haul it; it is 15 miles.

Representative STEPHENS. He did refuse to let you put the cattle into the pasture and eat the hay?

Mr. Booz. Yes.

Representative STEPHENS. I thought you said a while ago you put the cattle in and fed it?

Mr. Booz. You misunderstand. This was a bunch in the spring that I brought over and shipped. When I put the cattle in I told the Indians I would feed the grass off and take this 209 head that I had in there, and was going to ship all but 6 or 7, and I would pay 15 cents for pasture and \$5 a ton for the hay, and when I would get these cattle to the market Scott notified me not to put any cattle over there. The stockmen had made a complaint, and he said he was going to hold my cattle for trespassing, what few there were over there. There were four head out of these 209, and 29 of Heinrich's in the Indian pasture that we rounded up; and I work mighty good men, most of them men of families and all honorable men.

Senator LANE. When you came back to feed this fall, you were not allowed to do it?

Mr. Booz. This fall when I was going to bring these cattle over and feed and stay until I could throw them over the mountain in May or the 1st of June, he forbid me putting them over there. He says, "You can rent that Indian land for farming purposes, but you can not put any stock over there." What would I do with hay over there 15 miles from home and I could not put my cattle there to eat it?

Representative STEPHENS. And the hay is there yet?

Mr. Booz. The hay is there yet; yes, sir.

Mrs. GREY. There are hundreds of sublessees, and Mr. Booz is only one.

Senator LANE. Do you know about the lands that are off up in the mountains, as to whether they contain mineral or not?

Mr. Booz. I am quite a poor judge of mineral. It looks to me something like rock—it glistens, and there are all kinds of colors.

Senator LANE. Is it coal?

Mr. Booz. No; it is iron and copper or something. I could not say what it was. I would not say; it is mineral of some kind.

Senator LANE. How many cattle do you estimate Heinrich is running there on the range?

Mr. Booz. Well, I would say, judging from the cattle that I ride through—I was amongst the cattle five days hunting some bulls that had got away, and I suppose that they had somewhere around 20,000 or 22,000.

Senator LANE. How many have Spear Bros.?

Mr. BOOZ. I could not say.

Senator LANE. Do you know anything about Bair's cattle?

Mr. BOOZ. I do not know much about Bair's cattle. I have just rode through them.

Senator LANE. Do you know anything about Dana?

Mr. BOOZ. I do not know anything about Dana. I do not think he has but very few cattle—some scattering cattle.

Senator LANE. Do they lease or are they sublessees?

Mr. BOOZ. They have got a pretty good pasture that Dana has used ever since he built it. I do not know whether he has subleased or how he gets it.

Senator LANE. What does he do with it?

Mr. BOOZ. I do not know.

Senator LANE. Are there any ex-employees of the reserve who are now on allotments on the reserve; do you know?

Mr. BOOZ. Well, I could not say they are on them, but have them rented. Miller's brother—Miller used to be a clerk there—is holding a place. I have been told he owns it; I never saw the deed or patent papers or anything like that, but he claims it.

Senator LANE. Do the Indians claim these other allotments?

Mr. BOOZ. I could not say.

Senator LANE. Has the agent got any lands on the reserve?

Mr. BOOZ. I could not say; I never saw the papers.

Mrs. GREY. Has not Reynolds got a place? You have been on his place?

Mr. BOOZ. I do not know whether he has or not; I never saw his papers.

Mrs. GREY. You know where he lives on the reservation?

Mr. BOOZ. Yes.

Mrs. GREY. He lives there, does he not, in a house?

Mr. BOOZ. I could not say that he owned it; he might be leasing it.

Senator LANE. Are there any of these grazing allotments under the ditch so that they could be watered—any of this grazing land?

Mr. BOOZ. That Miller owns?

Senator LANE. Yes; or anybody else.

Mr. BOOZ. It is all under the ditch out of the Little Horn; it is between the Little Horn and the ditch. It is all under the ditch.

Senator LANE. Do you know what men there are getting water out of the ditch?

Mr. BOOZ. Joe Boyd and Miller and the Throssel outfit.

Senator LANE. Do you know what they paid for the water?

Mr. BOOZ. No, sir; I do not.

Senator LANE. Are any Indians getting water there?

Mr. BOOZ. David Stewart, a half-breed, farms about 25 or 30 acres of the watered land.

Senator LANE. Do you know anything about a sluice built near Lee Simonsons's, for turning water out of the river?

Mr. BOOZ. I just saw it passing by.

Senator LANE. Is there one there?

Mr. BOOZ. Yes, sir.

Senator LANE. What does it do—turn water out of the ditch into the river?

Mr. BOOZ. I just saw it.

Senator LANE. Did you know why it was put in?

Mr. BOOZ. To turn water out of the ditch.

Senator LANE. Is that sluice so you could see it off some distance?

Mr. BOOZ. Oh, yes.

Senator LANE. How many of the Indians get water off of the reservation, do you know?

Mr. BOOZ. I could not say.

Senator LANE. Do you know a man by the name of Mike Pfeifer?

Mr. BOOZ. I should say I do.

Senator LANE. Did he use to work for you?

Mr. BOOZ. Yes, sir.

Senator LANE. What is his business?

Mr. BOOZ. Drinking whisky, most of the time.

Senator LANE. What is he doing now?

Mr. BOOZ. He is on the reservation.

Senator LANE. Is he a good farmer?

Mr. BOOZ. I fired him; I did not give him time.

Senator LANE. Is he farming now on the reservation?

Mr. BOOZ. I do not know whether he is or not. He was before I hired him. I had the two brothers of them. They were both farmers on the reservation.

Senator LANE. Is Inspector Campbell a sober and industrious citizen or is he a drinking man?

Mr. BOOZ. He might be when he was not in town. I never saw him in town but when he was pretty well loaded up.

Senator LANE. Was he in town often?

Mr. BOOZ. In town every time I am there, but that is not very often.

Senator LANE. He is a drinking man—what is known as a “booze fighter” out in that country?

Mr. BOOZ. That is what he is considered—one of the best friends the saloon has.

Senator LANE. What does Schraeder do on the reservation?

Mr. BOOZ. Rests most of the time when I have seen him.

Senator LANE. What is his position?

Mr. BOOZ. He is boss farmer, or supposed to be.

Senator LANE. Do you know Burbank?

Mr. BOOZ. Yes.

Senator LANE. What does he do?

Mr. BOOZ. Lays around the agency is all I ever saw him do.

Senator LANE. What is his official position?

Mr. BOOZ. Boss farmer.

Senator LANE. Do you ever see Dave Stewart riding the line?

Mr. BOOZ. I never saw Dave Stewart until last summer riding the line; that was the first time. I went by his house one day and he was at the house, and I says, “Hello, Dave; what are you doing?” He says, “I have got a Government job.” I said, “Is that so?” He said, “Yes; it pays pretty good. Me and Scott is mighty good friends now.” I said, “Do you think you will hold it?” He said, “I don’t know. I am all right.” I said, “What doing?” He said, “I am riding the line up there.” I said, “I have never seen you at my camp.” He said, “I seen you going backwards and forwards. I saw you going across with a stallion once.” I said, “Why didn’t

you come to see whether I had stolen him or not?" He said, "I don't know." That is his answer. He saw me, but I never saw him on the line.

Senator LANE. He probably sees you first?

Mr. BOOZ. Yes.

Senator LANE. What do you know about Ed Wolf Lays Down? What caused his death?

Mr. BOOZ. Ed Wolf Lays Down was a mighty god man, and he said to me: "John, why don't you come over here and lease some of our land along Lodge Grass, along the mountains, so you will have a place to stop with your cattle and horses?. I have logs, and you can build a house and have the use of it, if you will put up the house." I said, I didn't think that would be fair. "Frank Henry is over here with his outfit and you better rent it to him." He said: "He won't pay us nothing for our allotments and we are not getting nothing for them. You rent it." I said: "The agent would not let me have it." He said: "It is ours, and it looks like we ought to do what we please with it." That was along late in the summer, and that fall I went down in Georgia, and when I came back the next spring I saw Ed and he says: "Why didn't you come back to see about the allotment? We had it all arranged for you to rent a lot of our land along the mountains up there above the rim rock, where Heinrich kept winter pasture." I said: "I don't know. Henry will pay you." He said: "No; he don't. We will rent it to somebody, if we have to get sheep in there." I said: "Don't spoil the country with sheep. This is all the country left for cattle, right in here on the reservation." He said: "We had all lined up to let you have it, and the agent said to bring you, and fully fence our allotments, and you could have it." I went off to Georgia, and I said no more to them about it, and that was the last I said anything to Ed, and the next thing I heard was that he died mighty sudden.

Senator LANE. That did not kill him, did it?

Mr. BOOZ. I do not know. He died down in the reservation, near Lodge Grass.

Mrs. GREY. What kind of rumors were there about his death?

Mr. BOOZ. The rumors were that he was poisoned.

Senator LANE. What for.

Mr. BOOZ. I could not say; I do not know.

Senator LANE. For putting on sheep?

Mr. BOOZ. I do not know. He was a mighty influential Indian and had lots of sense and tried to run his business, and he was an Indian who could get along with white men, negroes, or anybody else, because he would hold his own with them.

Senator LANE. Was that the little Dillon girl you were speaking about a while ago that drank too much milk?

Mr. BOOZ. I did not say the milk killed her.

Senator LANE. Did Mrs. Dillon send for the doctor?

Mr. BOOZ. Yes, sir.

Senator LANE. And did he refuse to come or not?

Mr. BOOZ. Mrs. Dillon said he had a white lady he had to wait on in Wyola.

Senator LANE. And he did not come to see her when she was sick?

Mr. BOOZ. The doctor did not come at the time, but he come later, and the child was gasping its last when he got there.

Senator LANE. How far was it from the doctor's office?

Mr. BOOZ. About 3 or 4 miles down to Wyola—from the doctor's office. His office was in Crow Agency. It was Wyola where he was attending on the lady; was between 4 and 5 miles.

Senator LANE. Yes; but to the Indian girl?

Mr. BOOZ. Down to the agency where he lived it was 25 or 30 miles, I guess—to the Crow Agency.

Senator LANE. Have the Dillons any land?

Mr. BOOZ. They say they have not any.

Senator LANE. Have they any means of support?

Mr. BOOZ. Only working by the day's work.

Senator LANE. Are they full-blood Indians?

Mr. BOOZ. No; Mrs. Dillon is a half-breed, and I could not say how much Indian there is in her husband.

Senator LANE. Are there many Crows in the same condition?

Mr. BOOZ. Quite a lot of them.

Senator LANE. Would it be possible for an Indian who had no land under his control to take care of his stock under present conditions?

Mr. BOOZ. No, sir.

Senator LANE. Do you know anything about a big shipment of horses belonging to the Crows made a while back?

Mr. BOOZ. It was made quite a while back.

Senator LANE. How long ago was that?

Mr. BOOZ. Oh, let us see—it must have been 15 years ago.

Senator LANE. As much as that?

Mr. BOOZ. Yes.

Senator LANE. What did they sell for, do you remember?

Mr. BOOZ. No, sir; I do not, but I heard they brought less than a dollar apiece—a dollar a head.

Senator LANE. Apiece?

Mr. BOOZ. Yes, sir.

Senator LANE. What did you get for yours?

Mr. BOOZ. I shipped two loads, and my horses brought \$70 a head.

Senator LANE. Ahead?

Mr. BOOZ. Yes, sir.

Senator LANE. Were they as good horses as yours?

Mr. BOOZ. They claimed they picked the best horses on the reservation. I did not see them; I could not say.

Senator LANE. You do not know about it?

Mr. BOOZ. No.

Senator LANE. Did you see any of Heinrich's brand on those "I D" stock?

Mr. BOOZ. Yes, sir; horses and cattle.

Senator LANE. Why do the Indians prefer to sell to somebody near by rather than to ship them?

Mr. BOOZ. You want me to explain?

Senator LANE. Yes; go ahead.

Mr. BOOZ. I had \$50 in cash, and I laid it over here [illustrating]. I said: "Here is a note for \$1,000. I will lay that here." There were quite a crowd of them and they could not talk very good English. I said: "I will give you this bill, \$50 cash, or I will give you this note for \$1,000, and you can get it in six months. It is just as good as this bill six months from now. Which will you take?" Every-

one said, "I will take the \$50." I said, "Now, why is that?" They replied, "We know we get the \$50 and we do not know whether we are going to get this note or not."

Senator LANE. A "bird in hand"?

Mr. Booz. They were the average of the Crow Tribe. They said: "The white men will tell us one thing to-day and do another to-morrow, and that is why we have not got any confidence in any of you. Booz, you are pretty good; we can eat with you, but maybe you have some object in feeding us."

Senator LANE. Do they ever ship yearling Indian stock off the reservation?

Mr. Booz. I saw a bunch of them shipped three years ago the 28th of last August.

Senator LANE. What was the object of shipping yearling stock?

Mr. Booz. To keep them from eating the Indian grass is the only reason I could see.

Senator LANE. They would not get as much for them as if they had kept them until 3 years old?

Mr. Booz. A yearling 3 years old would bring, last spring $5\frac{1}{2}$ cents and weigh 600; keep him until he was 4 years old and he would weigh 1,400 and bring $7\frac{1}{2}$ or 8 cents. Mine brought 8 cents. That is last December.

Senator LANE. Have you ever tried to lease Indian allotments?

Mr. Booz. Yes, sir.

Senator LANE. Have you ever succeeded in doing it?

Mr. Booz. Yes, sir.

Senator LANE. How many times?

Mr. Booz. I leased allotments on Clarks Fork on the ceded strip.

Senator LANE. What did you pay for it?

Mr. Booz. I paid \$1.50 apiece.

Senator LANE. Did you employ the Indian?

Mr. Booz. No, sir; I put up the hay myself. Do you want to ask me what become of the hay allotments?

Senator LANE. Yes.

Mr. Booz. Edwards and Campbell and the clique run me off.

Senator LANE. How did they do that?

Mr. Booz. Campbell come over with the police and said, "John, you didn't get your allotments according to law. You have no right to put cattle on there. You went to the agent and got Edwards and got an agreement to lease those allotments, and if he did not, you could not have got them." I said, "I paid the Indians and they have the check to show for it." He said, "Now, I am going to put your cattle out of there." I said, "Campbell, they are there. Go ahead, but I forbid you putting them cattle out of there." He said, "What will you do to the police if they put them out?" I said, "I won't do nothing, but I will bring something to you and Edwards. I will bring a civil suit against you to see if you can do that." He said, "John, don't let us fuss. Let them stay, and we will try and fix it some way." They did not want the pasture, but they did not want the cattle started in on the reservation where the sheep were. The sheep and the cattle men never agreed very well. So they sent an old fellow up there with two bands of sheep to put in on the allotments to eat the grass, and I forbid him putting them on there. I said, "I will throw your herd over the bank and try to drown them if you

ever put them on." I went to Blair and said, "Don't put them sheep in. I don't want a fuss." He said, "Col. Waters is coming up there and maybe you and him can settle it." So Col. Waters come up and says, "Booz, we don't want any fussing about allotments. I have got them through Charley Bair. He says you are a pretty white-headed man. I don't know whether you are or not. Can we arrange in some way so I can buy that hay and put them in there?" I said, "I will sell you the hay and get out rather than fuss with you." He said, "What will you take for the hay?" I had about 600 or 700 tons of hay. I said, "I will take \$5 for the hay. And he said, "I would give \$3.50 for part of it over on the white man's land."

The Indian hay I had put up myself. So, he said, "I am going up town, and when I come back by here I will see you," and while he was gone I had a boy who was working for me scribble a note and sign it by somebody that they want the hay and would give \$5, pasture and all; and the sheepman come back, and he said, "Booz, what about the hay?" I said, "I can sell it to some sheepmen up toward Absarokee;" and I had gone to bed, and the note was laying on the table, and I lit the lamp, and Col. Waters came in and picked up the note and put on his glasses. He said, "I will take all that hay and the pasture and clean you out on the allotments." I said, "That is a deal." He said, "I will give you something down. How will \$100 do?" I said, "I will want \$500." He gave me a check for \$500, and I caught the train the next morning and went down and got my \$500, and he tried to back out. I had his \$500, and I said, "You can take the hay or keep off of the allotments." So he paid me, and that settled that trouble. This particular trouble over here with the hay on this side is the second trouble, and if I get out of this I guarantee you fellows in Washington I will never get into more trouble.

Senator LANE. What do the Indians get for the allotments when included in the big leases?

Mr. Booz. They do not get anything I have heard of. They have complained a whole lot about that. I have got 400 acres leased from a lady in Sheridan. I gave her \$350 there mighty near adjoining the reservation, and it will run 100 for seven months in the year. For instance, I have got 1,080 acres of land right there adjoining the reservation. It cost me \$27 an acre. I put \$4,000 worth of improvements on it. You can figure up the interest on the money. I could go over and lease the allotments and buy the hay and run my cattle on these allotments cheaper than I can own the land, and the Indian will have his money, and he will have a living and I will have fat cattle.

Senator LANE. Is there any good lumber timber on the reservation?

Mr. Booz. Fine.

Senator LANE. What is paid for lumber by the agency people? Do they cut any of it?

Mr. Booz. No; there is no sawmill up where I am.

Senator LANE. What do they have to pay for lumber?

Mr. Booz. I think I paid, for just common rought lumber, \$26 or \$27 a thousand.

Senator LANE. They have no way of cutting it, however?

Mr. Booz. The Indians?

Senator LANE. The Indians or the Government.

Mr. BOOZ. There is no sawmill there. They could put in a sawmill and saw it mighty reasonably.

Senator LANE. Would that be an advantage to the Indians on the reserve?

Mr. BOOZ. A wonderful advantage.

Senator LANE. It would cost a good deal to put in a mill?

Mr. BOOZ. Oh, no. I spoke of putting in a mill on my side, and I figured with sawmill men, and they said I could put in a good mill at that time that would saw all the lumber I possibly needed at between \$800 and \$1,000.

Senator LANE. One of these portable mills?

Mr. BOOZ. A small mill.

Mr. SLOAN. I would like to get an idea of what becomes of the hay, if the foreigners are not permitted to feed on it?

Senator LANE. What does become of that hay?

Mr. BOOZ. Mine is standing there and rotting down, because Frank Heinrich and his brother and his men have fought this—the father of the breeds and his daughters' children—they have fought him ever since he has been there. He is a shrewd cowman and horseman, and they have had it in for him ever since he moved on the reservation, and they will not buy his hay.

Senator LANE. Who is this, Peters?

Mr. BOOZ. Peters.

Senator LANE. Do they have grudges there that they hold against them?

Mr. BOOZ. They have grudges at quite a number. Tom Doyles' hay standing there, a big lot; I think he has quite a lot; I could not say how much of it.

Senator LANE. Doyle?

Mr. BOOZ. Yes. I guess they have got him where he won't need any hay.

Senator LANE. Is there a grudge against Doyle?

Mr. BOOZ. It seems so.

Senator LANE. On the part of whom?

Mr. BOOZ. I do not know. They had him in jail several times, and had him in trouble, and he took a little whisky—his father was an old soldier, and he took some whisky up there on Christmas, and they all had a Christmas frolic, and they went up and got him.

Senator LANE. It is against the law to take whisky on the reservation?

Mr. BOOZ. It is for an Indian; a white man can take it.

Senator LANE. Any white man?

Mr. BOOZ. I have the awfulest time with my cowpunchers, when they come up there hunting, to keep them sober. In one instance, they had a 5-gallon keg fastened on the wagon with a band around it, with a spout run out here [illustrating], with a tin cup attached with a chain, and a card here [illustrating], "Free to everybody," right on the reservation.

Senator LANE. Who sold it?

Mr. BOOZ. They purchased that as they came up.

Senator LANE. Is there discrimination that way in favor of some?

Mr. BOOZ. If I would get drunk—they would catch me drunk—I think I would serve a term in the pen. They seem to have a grudge against some.

Senator LANE. Are you bad when you are drunk?

Mr. Booz. I never get drunk.

Senator LANE. You would probably be a very bad man.

Mr. Booz. As for proving this, this keg looked like a 5-gallon keg, but it might have been $2\frac{1}{2}$ gallons. I might have had tears in my eyes because I could not get at it.

Representative STEPHENS. Do you think it would be a good idea to fire the agent and divide all this land up among the Indians and turn them loose?

Mr. Booz. If you did, you would see a mighty healthy lot of Indians.

Representative STEPHENS. We see yourself and those other lease men having so much money.

Mr. Booz. I am willing to split mine in two if they will make the others do the same.

Representative STEPHENS. Would not that be the best solution of it?

Mr. Booz. Yes, sir. And I tell you they will take care of themselves. You give an Indian his allotments and his rights and he will take care of himself. He is now too scared to do that. He can not even carry a gun, because he is afraid somebody is going to blame him with trying to kill a beef. Whenever you put a reward on anybody's scalp, to get it, it makes trouble. I was right in the heart of the Johnson war.

Representative STEPHENS. How long have you been among those Indians out there?

Mr. Booz. Twenty-one years.

Representative STEPHENS. It is your idea they will do much better turned loose without an agent or supervision?

Mr. Booz. If you would put in an Indian's agent instead of a white man's agent, the Indians would be all right.

Representative STEPHENS. Would they be competent to select their own agent and own employees?

Mr. Booz. They say every man has got his price.

Representative STEPHENS. Do you think the Indian's price is higher than the white man's price?

Mr. Booz. He has got more money.

Representative STEPHENS. They could not do any worse than the white men are doing?

Mr. Booz. How could they?

Representative STEPHENS. The Indians have not got anything, and it is getting worse all the time.

Mr. Booz. They have not got anything, and it is getting worse all the time.

Representative STEPHENS. It is about time to quit supervising, is it not?

Mr. Booz. Give them the money that it takes to run the Indian Department and see where they come out: that is, our Crows; I could not say about the others. The Crows are naturally a smart people. I can not cheat them: they can cheat me. If they have a pony that is not any account, they will turn him out until he gets big and fat and bring him over to me and skin me. I never trade with them. I have learned to let them alone.

Mrs. GREY. Mr. Booz, do you think those Indians, if they were permitted, would choose a good man?

Mr. Booz. I would think so. I would think to put it to a vote before the Indians and let them vote on it that they would have the right man.

Mrs. GREY. They could select a good man?

Mr. Booz. Give them the privilege, and when they caught him doing anything that was not suitable, they would say, "You are not working to our interests; we will just let you go."

Senator LANE. If there is anything else you want to tell us, we will be glad to hear your.

Mr. Booz. As I have told you, there is Lady Grey, who has been perfectly straight in all her dealings, and she has slept with the Indians and ate with them in their tepees. They always fix her a nice bed. She knows about how the Indians are treated.

Gentlemen, I have as good teams as men ever drew a rein over and as good a cook as ever rolled a biscuit. If any Washington man comes to me, or any four of you, I will guarantee to feed you on trout and let you eat chicken, and take you over the reservation, and I can show you the grass that I have, which my cattle are forbid to eat after my paying \$15,333, and there has not been a thing on it for three years, 1,000 acres of it.

Senator LANE. Did Bostwick and his outfit bring that whisky on that you told about?

Mr. Booz. Not only Bostwick, but the outfit from Billings; the fellows were all Elks and sports, and of course they were up there for a time. They got my men drunk.

Senator LANE. Were they fishing and hunting?

Mr. Booz. They were hunting.

Senator LANE. What kind of game is there in there?

Mr. Booz. Prairie chickens, grouse, and sage hens.

Mrs. GREY. Was Mr. Abbott ever along with them when they were up there?

Mr. Booz. I never recollect seeing Mr. Abbott.

Mrs. GREY. You heard of him being up there?

Mr. Booz. Oh, yes; he spent several weeks out there.

Representative STEPHENS. Did Mr. Abbott approve of those leases?

Mr. Booz. I could not say; I suppose so.

Mrs. GREY. Yes; he did.

(The commission thereupon proceeded to the consideration of other business.)

MARCH 31, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in its office, room 128, in the Senate Office Building, at 8 o'clock p. m.

Present: Senators Robinson (chairman) and Lane.

TESTIMONY OF WENDELL M. REED, CHIEF INSPECTOR OF IRRIGATION OF THE INDIAN SERVICE.

(The witness was duly sworn by the chairman.)

The CHAIRMAN. State your name, the official position you occupy, and how long you have held it.

Mr. REED. I am chief inspector of irrigation of the Indian Service and have been so since September, 1912.

Senator LANE. What were you doing before that? Were you in the Indian Service?

Mr. REED. No, sir; I was in the Reclamation Service for 10 years.

Senator LANE. You have heard some talk about this subject of irrigation in the committee hearings. Do you know anything about the irrigation work on the Crow Reservation?

Mr. REED. About the irrigation work; yes.

Senator LANE. Have you had charge of it?

Mr. REED. Recently—general supervision since I came in.

Senator LANE. Is that a reimbursable appropriation?

Mr. REED. It comes from the funds of the Crow Indians.

Senator LANE. And it is reimbursable?

Mr. REED. It is reimbursable to the Government; yes.

Senator LANE. You have had experience in this line of work before you entered the Indian Service?

Mr. REED. Yes, sir.

Senator LANE. Are you a civil-service employee?

Mr. REED. Yes, sir.

Senator LANE. When were you covered into the civil service?

Mr. REED. About 1903 or 1904.

Senator LANE. You have been personally in charge of irrigation on the Crow Reservation?

Mr. REED. No, sir; not personally in charge, but general supervision.

Senator LANE. Who has personal charge?

Mr. REED. Mr. John Lewis had personal charge until about a year ago, I believe. I would have to look up the records to be accurate; and then Mr. Clyde Lewis since that.

Senator LANE. And you have been attending closely to the Crow work. Have you been disbursing the moneys there?

Mr. REED. Oh, no. My work pertains to the whole West.

Senator LANE. Who does the disbursing on the Crow Reservation?

Mr. REED. The superintendent, Mr. Scott.

Senator LANE. Do you employ the people who work on the projects?

Mr. REED. No, sir.

Senator LANE. Who does that?

Mr. REED. Mr. Scott.

Senator LANE. He is the agent?

Mr. REED. He is the superintendent; yes, sir.

Senator LANE. There are some things about a certain map here which we do not understand. Did you prepare a map of the irrigation projects on the Crow Reservation?

Mr. REED. No, sir. The maps are prepared in the field. Any recent map would have been prepared by Mr. Lewis.

Senator LANE. Would it be countersigned by you?

Mr. REED. The plans of work are approved by me; not all the maps.

Senator LANE. Do you ever check them up to see whether they are right or not?

Mr. REED. The structural plans; yes, sir.

Senator LANE. I mean the maps.

Mr. REED. No; I have not.

Senator LANE. You certify to them as being correct without checking them off?

Mr. REED. As to the maps?

Senator LANE. Yes.

Mr. REED. I do not know that I have ever approved a map in that way. I do not recall it.

Senator LANE. You have naturally to depend on those under you anyhow?

Mr. REED. Oh, yes; because I am not familiar enough with the detailed surveys to lay them out.

Senator LANE. No; I presume not; you could not be. I have a map here that we got a hold of some time ago. We discovered it in hunting up some allotments and ditches, and we could not make out what it was. I wish you would look at that map and see if you are familiar with it [exhibiting blue-print map to the witness].

Mr. REED. That is drawn by Mr. Lewis evidently from its date.

Senator LANE. It bears the inscription "W. M. Reed, chief engineer"?

Mr. REED. It is not a signature.

Senator LANE. No; it is not a signature, but it is charged up to you.

Mr. REED. As under my general supervision.

Senator LANE. But that is the map showing the irrigation scheme of that reservation, is it?

Mr. REED. Yes, sir.

Senator LANE. And that is supposed to be a true outline of it?

Mr. REED. Approximately; yes.

Senator LANE. So that a person could take that map and go out and identify the projects?

Mr. REED. I could.

Senator LANE. I mean anyone.

Mrs. GREY. You have been on the Crow Reservation?

Mr. REED. Yes; I have been over most of that.

Senator LANE. Does it show all the irrigation plans and establish the contemplated projects on the reservation?

Mr. REED. I believe so.

Senator LANE. It is marked there that it does.

Mr. REED. Referring to this coloring, the red is the area where earthwork and structures are completed on main canal and laterals, and the yellow gives the different stages of construction.

Senator LANE. That is what I supposed.

Mr. REED. Yes, sir.

Senator LANE. Will you point out on this map what work you are now engaged upon there, from the color scheme?

Mr. REED. At the present moment there is only being done some work over here [indicating] on the Big Horn. It is repair work, not new work, and then I think there are three flumes, and I guess

the last one is completed by this time on the Big Horn Canal; then at the agency dam—that was put in last winter.

Senator LANE. What was the object of that?

Mr. REED. It was removed a year ago by flood.

Senator LANE. Freshet repair work?

Mr. REED. Yes; it was reconstruction.

Senator LANE. How much of a crew have you on this work?

Mr. REED. We have had doing this work quite a construction crew. For a short time there were employed on that dam as high as 100 men.

Senator LANE. Who were they; Indians?

Mr. REED. Not many Indians.

Senator LANE. Why not Indians?

Mr. REED. They do not want to or would not work on the structural work, which was done in the winter time; and my reports are that they did not care to take hold of that kind of work.

Senator LANE. What do you mean by "structural"?

Mr. REED. It is a concrete dam.

Senator LANE. Do they understand that kind of work?

Mr. REED. Some of them do quite well. We have had some of them on such work who did quite well.

Senator LANE. Are they pretty good workers?

Mr. REED. They vary like all humanity; some good ones and some bad.

Senator LANE. Were there some Cree Indians at work on this dam?

Mr. REED. I understand there have been a few Crees. I do not see the pay roll and do not know the personnel of all the forces, but I have understood from time to time there have been a few Crees in there. There are a few of those Indians in the country.

Senator LANE. Why would they employ Crees in preference to Crow Indians? The Crees do not belong on that reserve, do they?

Mr. REED. No.

Senator LANE. Do they employ outside Indians to work on the reserve?

Mr. REED. No; not as a rule. It is not the intention. Sometimes they employ them as they had to at this dam, where they had to take anybody they could get. Labor was scarce for a little while, and they had to take anybody.

Senator LANE. Is it not true that the Crows object to having Crees working on this project, and that it has been a cause of dissatisfaction?

Mr. REED. I have heard it was.

Senator LANE. And the Crows protested against it. Why would they do this, and in spite of the protest of the Indians whose reservation it was and whose land the project is to irrigate employ a hostile band? They were always hostile Indians.

Mr. REED. As I understand the situation from those in charge, there was not recently many Crees—possibly two or three, although I do not remember of noticing any or hearing them mention any names—but the Crows, for some reason, did not take kindly to that work in the water. I was there on the ground at the time.

Senator LANE. They did not want to get their feet wet?

Mr. REED. I do not know as I blame them much.

Senator LANE. About how many Crow Indians did you have working there last summer?

Mr. REED. I was there in April. We had a band then over on the Big Horn. So, I could not say; it was a big camp; there must have been 30 or 40 workmen in there.

Senator LANE. That was last spring?

Mr. REED. Yes.

Senator LANE. They were willing to work in the spring, but not the fall or winter?

Mr. REED. They hauled the sand and gravel; they did that; they worked on the dry ground all right.

Senator LANE. Was not that a time when they should have been working on their farms?

Mr. REED. Well, this was in the early spring. They could perhaps have been plowing some, but it was before the season really opened.

Senator LANE. Do you keep water tables to show what water is used and who uses it?

Mr. REED. No; that has not been worked out on that reservation yet. There is a table of the flow in the canal, but the measurement to the individuals has not been defined yet.

Senator LANE. You do not know how many Indians you turned on for?

Mr. REED. I could tell at the office, but I can not tell here; I am not familiar with the names.

Senator LANE. Has there been any complaint in regard to the amount of water they get or about discrimination on the part of the Indians?

Mr. REED. You mean discrimination one against the other?

Senator LANE. Yes; or as against whites or anybody else.

Mr. REED. No; I do not think there is between whites. There have been some recent requests, or statements and requests, for more water on what is known as the Reno ditch?

Senator LANE. Which is the Reno ditch?

Mr. REED. The Reno ditch is over on the Little Big Horn.

Senator LANE. Is it on this map?

Mr. REED. Yes; right here [indicating].

Senator LANE. There was water turned on for those Indians?

Mr. REED. The history of that ditch is this: That is the oldest ditch on the reservation. It was built when the troops were in there and built under Army regulations, and it has grown up and filled up, and the structures have become bad. I am having a history of that ditch prepared now, but it is perhaps 25 or 30 years old.

Senator LANE. How many acres does this cover, do you know?

Mr. REED. Oh, there are several thousand acres it covers, but very few hundred that it irrigates.

Senator LANE. Is that mostly in the hands of the Indians or white?

Mr. REED. It is mostly in the hands of the Indians. I think there is some leased land, but I am not sure whether that is leased from an Indian or not. I do not have charge of that. I believe there are a couple of Japs leasing some land.

Senator LANE. Japs?

Mr. REED. Yes.

Senator LANE. I had not heard of that. Is there not a good part of this irrigated land leased to white men throughout the reserve?

MR. REED. NO.

Senator LANE. Do you know what rent they pay for irrigated land?

Mr. REED. No, I do not; that does not come under my jurisdiction at all.

Senator LANE. Are there white men who own land under the projects?

Mr. REED. A few.

Senator LANE. How many do you suppose?

Mr. REED. Oh, I could not say.

Senator LANE. Do you know what water rights they have?

Mr. REED. That is a peculiar condition there.

Senator LANE. In what way?

Mr. REED. Up to the present time there has been no charge to white men on account of maintenance or operation.

Senator LANE. Why?

Mr. REED. Under the conditions, the work that has been put on maintenance has really gone as a charge against the project, and white men who happened to be fortunate enough to get in there and get some of that Indian land have, to the best of my knowledge, never had to pay any maintenance or operation fees.

Senator LANE. Do you know whether the Indians have complained about that?

Mr. REED. No; I do not know that I heard the Indians complain, but I discovered this, in studying the situation.

Senator LANE. Why should that condition exist? Is there a law to that effect, or has it gone by laches?

Mr. REED. There is no law against it, I guess.

Senator LANE. It has merely been suffered?

Mr. REED. Yes; that is the condition not only there, but it is a condition that has prevailed and a condition that the present administration is trying to get out of.

Senator LANE. Was it not the agent's duty to see that that condition did not exist?

Mr. REED. There is no law at the present time for making those collections. Somebody should have seen it and called attention to it and had a law passed or a rule or regulation formulated. I am not sure that it could not be controlled, perhaps, through the bureau or through the Secretary of the Interior.

Senator LANE. They have absolute control of it?

Mr. REED. I am not sure whether they can collect or not under the present law, but we hope to have a law that will not only allow but make it absolutely necessary.

Senator LANE. Where is the record of those cases kept where the white men use the water without paying any maintenance charge, do you know?

Mr. REED. I do not know that there is any clear and precise record. It is all, you might say, tied up in the different laws and different regulations that have been passed from time to time.

Senator LANE. This maintenance does cost something does it?

Mr. REED. Oh, sure.

Senator LANE. And the Indian pays for it?

Mr. REED. Undoubtedly. That has been a point that seems in the past to have been overlooked by the Indian Office—that the maintenance and operation cost anything. They frequently made leases

and attached to them "with free water right." I took the position in a memorandum, very early in the game, that there was not any such a thing as free water right, and that somebody had to pay it.

Senator LANE. Are there any of these white men who have taken out ditches and run them across the Indian land?

Mr. REED. I believe in the upper end, away over in here [indicating] somewhere, there are some private ditches, which I discovered last year myself. This is the Little Bighorn. There are some up in here made by Spear, I think, the cattleman. I never met the man. I discovered this ditch from the railroad, wherever it is.

Senator LANE. He was taking water out of the Indian ditch to run across his land?

Mrs. GREY. All of these [indicating] and two or three in here.

Mr. REED. What was the question?

Senator LANE. I asked you if this white man was not taking this water from the Indians' irrigation ditch and running it across the Indians' lands and using the water to irrigate lands of his own?

Mr. REED. He is taking it from the creek and crossing Indian lands.

Senator LANE. That is what I am told, Mr. Reed. You have no authority to put a stop to that at all, have you?

Mr. REED. No, sir.

Senator LANE. The Indians complain about this.

Mr. REED. The jurisdiction there is entirely within the superintendent.

Senator LANE. This commission is proceeding without prejudice in this matter. We are not trying to find anybody guilty nor punish any enemies or reward any friends. At the same time, there are complaints coming in. It is the hope of the commission to find out what are the actual conditions. If the conditions are right, it is hoped to approve them. We are merely hunting this information without prejudice. I want you to understand that.

The CHAIRMAN. Why is it that no maintenance charges are made against the lands or the users of the lands on this reservation, do you know?

Mr. REED. No. The charges are not made, and the matter was brought to the attention of the office some time ago, and it is now being considered. You will note there is a bill or amendment in which allows the Secretary to apportion maintenance and operation charges to those receiving the benefits.

The CHAIRMAN. Do you know whether the bureau takes the view that it has no power to prescribe the maintenance charge?

Mr. REED. It has seemed to feel that way in the past.

The CHAIRMAN. On many of the reservations a maintenance charge is prescribed?

Mr. REED. Yes; that is true.

Senator LANE. Is that under special legislation or under the general law?

Mr. REED. Usually by special legislation. That is permissible on the Yakima, permissible on the Fort Hall Agency. A charge is made to the whites on Uintah, and, I think, that is about all, as I remember it.

The CHAIRMAN. Do you remember about how long this system of requiring the Indians to pay the maintenance expense, the benefits

of which have been enjoyed by white men, has prevailed on these various reservations?

Mr. REED. On the Crow ever since there was a ditch and since there was a white man to take advantage of it.

The CHAIRMAN. Do you know of any theory on which that kind of practice can be justified?

Mr. REED. It is not a practice that is used anywhere else that I know of.

The CHAIRMAN. Do you know of any theory on which that kind of practice can be justified?

Mr. REED. No; not to benefit the white man who has purchased in here. The theory that has been advanced by some for not making a specific charge against the individual, where it is an Indian, is that it is still tribal to that extent; that they are all being benefited, and therefore it could come out of their joint funds.

The CHAIRMAN. Of course, that is not true on many reservations, because on most of the reservations a few Indians enjoy the benefits actually, and it is so manifestly unfair to me that I am really looking for some theory on which it could have been justified by any fair-minded man. That is what I really want to know. It seems to me there must have been some theory in the minds of those who have practiced it and permitted it to go on indefinitely. It would be bad enough to require you to pay for benefits that I enjoy; it is bad enough to require the tribe to pay for benefits that particular Indians enjoy, but it is absolutely indefensible, in morals or law or upon any other theory I can comprehend, to require a tribe of Indians to pay for benefits which are enjoyed by white persons.

Mr. REED. I agree with you perfectly on that.

The CHAIRMAN. Can you tell me about how many reservations this practice has been going on besides the Crow?

Mr. REED. That is perhaps the most flagrant case.

The CHAIRMAN. I have not found anybody else that could justify it or that even sought to justify it. But what I am looking for now is to find how such a thing ever grew up, how it ever could be perpetuated for any considerable length of time, and why it was, if you please, that neither the bureau nor Congress have taken steps to correct it.

Mr. REED. Well, I can not tell you. I know that it is one of the first conditions that attracted my attention.

Senator LANE. Did you report or protest against it?

Mr. REED. There are numerous memorandums in there, and I will say that we are moving toward something.

The CHAIRMAN. When did you begin making that movement in the bureau?

Mr. REED. About a year ago. Not much was done, however, until soon after Mr. Sells came in. I do not know what called it to his attention, whether he had found a memorandum or not, but it was soon after he came in when I arrived from the field and he called me in and asked me about this, and I gave him a verbal statement of the conditions—not specific, because I did not have details at that moment before me. He asked me then to make a report, and I did, showing the various reservations that had taken any notice of maintenance and operation, and the rest were in the other class.

The CHAIRMAN. Can you furnish, supplemental to your remarks and to be attached to them, so that we may print, that statement which you furnished the commissioner, or will you ask him to send it down to me?

Mr. REED. I am going away to-morrow.

The CHAIRMAN. I will do it then.

Mr. REED. If you ask him, I think he will be glad to give it to you.

The CHAIRMAN. When did you furnish him that, Mr. Reed; do you know?

Mr. REED. Let us see; I should judge it was in July or August.

The CHAIRMAN. Of last year?

Mr. REED. Yes.

The CHAIRMAN. When did you file the first memorandum in the bureau in the nature of a protest against this, or suggest the correction as to this method of requiring the maintenance charges to be paid out of the Indian tribal funds for the benefit of white persons?

Mr. REED. I would not call it a "protest." It was more of a memorandum calling attention to it. It was in the winter, a year ago?

The CHAIRMAN. Winter of 1912-13?

Mr. REED. Yes.

The CHAIRMAN. And how long have you been in charge of this service?

Mr. REED. I came in in the September before.

The CHAIRMAN. So that within a few months after you took charge of the service you did that?

Mr. REED. As soon as I commenced to find these conditions.

The CHAIRMAN. As soon as you found these conditions you called attention of the Indian Bureau to it, and nothing was done until after Mr. Sells took charge, and then he called you in and you made a verbal statement, and the bureau then began to consider the correction of those conditions?

Mr. REED. There was nothing done. I had two or three conversations with Mr. Abbott on the matter.

The CHAIRMAN. When he was acting commissioner?

Mr. REED. Yes; when he was acting commissioner.

The CHAIRMAN. What did he do about it?

Mr. REED. I do not know that he did anything positively. We discussed it several times, and he finally agreed to my position, that there should be charged maintenance and operation, and that those receiving the benefits should pay for it.

Senator LANE. Who was in charge of this work before you went in, do you know?

Mr. REED. There was a blank space in there for something over a year—Mr. Code.

The CHAIRMAN. William H. Code, now of Los Angeles?

Mr. REED. Yes. I think he had resigned and had been out something over a year.

Senator LANE. How long had he been in charge of the work?

Mr. REED. Several years; I do not know.

Senator LANE. Would he have known of this in the ordinary routine of his duty?

Mr. REED. Yes. To explain that, I do not think perhaps he could have changed it, more than called attention to it, because when the engineering work was done the jurisdiction was really in the hands of the superintendent on the ground.

The CHAIRMAN. But if it had been called to the attention of the Commissioner of Indian Affairs he would surely have directed the superintendents to make a more equitable and just arrangement than that, would he not? Of course, that is merely a matter of opinion, but is it not what anybody would have done? I am still looking for some reason or justification for this process. I want to know, if you can tell me, on what theory it was permitted to continue for a moment. It is so manifestly unjust and unfair to the Indian that I can not understand how that kind of condition could have prevailed.

What is the total area of irrigated lands or land under irrigation by these projects?

Mr. REED. You mean actually under irrigation or possible of irrigation?

The CHAIRMAN. Actually under irrigation.

Mr. REED. Somewhere, if I remember, around 18,000 or 19,000. I do not want to go on record as to that.

The CHAIRMAN. Acres?

Mr. REED. Yes.

The CHAIRMAN. Going back to this method of assessing maintenance charges against the tribal funds, the construction charges are also payable out of the tribal funds, I take it?

Mr. REED. Yes.

The CHAIRMAN. So that no matter how much land is used by the whites, the Indian pays for the construction of his irrigation works and for the maintenance of the irrigation charges?

Mr. REED. I think there might be some excuse for that theory, because I think when they started construction and began this work that there was no white land; if there was, it was such a small quantity that it might have been overlooked.

The CHAIRMAN. How much land is now owned or controlled by white persons within this 18,000, approximately, acres?

Mr. REED. I can not tell you. I have that in the office, and if I had known what I was being called here for I would have brought you the data.

The CHAIRMAN. I have been so busy myself that I did not have the opportunity of taking it up with you. I have been working since 9 o'clock this morning without a moment's intermission.

Mr. REED. I did not know what I was coming for.

The CHAIRMAN. You have that information?

Mr. REED. That was in my annual report.

The CHAIRMAN. Is that a reimbursable fund out of which these works are constructed and maintained?

Mr. REED. Yes; it all comes out of the Indian money. The Government appropriates it, but it comes out of the Indians' funds derived from leases and everything else.

The CHAIRMAN. You are sure about that?

Mr. REED. I think that is so.

The CHAIRMAN. As a matter of fact, is it not payable out of the individual Indians' fund on the Crow?

Mr. REED. I think not. I think it comes from the funds that are accumulated as tribal funds. I do not see how it could be applied from individual funds in that way.

The CHAIRMAN. I am not asking you how it could be done. You have not been able to explain to me how this other thing could be done, but it is done.

Mr. REED. It is done, but I think the auditing clerk would catch the other.

The CHAIRMAN. The auditing clerk for what?

Mr. REED. The auditing department would be apt to catch any use of individual funds. I do not disburse that money, but I understand at least that it comes—

The CHAIRMAN (interposing). From the tribal fund, and is a reimbursable fund or appropriation. Do you know what the irrigation works that have been constructed on the Crow Reservation have cost the Indians?

Mr. REED. That is all in the same report, right up to the 30th day of June.

The CHAIRMAN. Of this last year?

Mr. REED. Yes, sir.

The CHAIRMAN. Have there been any extensive works constructed since then?

Mr. REED. Since the 30th of June?

The CHAIRMAN. Since you made your report.

Mr. REED. This dam that was washed out has been put in.

The CHAIRMAN. What did that cost, approximately?

Mr. REED. Probably \$20,000.

The CHAIRMAN. That was paid out of the tribal fund?

Mr. REED. Out of the same funds. Then the repair work is all out of the same fund.

The CHAIRMAN. Is the irrigation work on Crow all under one system, Mr. Reed, or how many systems are there?

Mr. REED. Oh, numerous. There are the two or three small systems over on the Little Bighorn; then there is the system on the Bighorn, which is not only the diversion from the Bighorn itself, but from tributaries; and then away over here [indicating on map], in the extreme west end, is another system. I have not visited that extreme west end yet.

The CHAIRMAN. What is that west end system called, or how would you designate it; do you know?

Mr. REED. I think it has the name right on it in the map—Pryor.

The CHAIRMAN. What area is irrigated under that; I mean already under irrigation?

Mr. REED. I can not remember it, and not having been there I can not even guess it. That is in the same annual report.

The CHAIRMAN. What is the total area of lands that can be irrigated under all of the systems on the Crow Reservation?

Mr. REED. If I remember rightly now, it is between 70,000 and 75,000 that is possible of irrigation.

The CHAIRMAN. Does your report show the area of these lands that are in the possession of the whites and that are in the possession of the Indians?

Mr. REED. It shows the area cultivated by whites and cultivated by Indians.

The CHAIRMAN. Are any of these lands patented to a white person?

Mr. REED. I think so. I think they are purchases from heirship lands.

The CHAIRMAN. Do you know what area belongs to that class?

Mr. REED. No.

The CHAIRMAN. What will it cost to complete these several systems on the Crow Reservation, do you know?

Mr. REED. The systems are mostly completed. I have that over there at the office, but I can not tell you. There is something on the Little Horn that is to be done yet; the Bighorn is almost wholly reconstruction. This, you see, was built 20 years ago and built of wood, and not used and kept up to the condition it ought to be; it is decaying and the work there is almost all reconstruction. There is some new construction there on the Little Bighorn.

The CHAIRMAN. When did the construction of irrigation works on the Crow Reservation begin?

Mr. REED. A little over 20 years ago, except for the Reno Ditch, which was put in by the soldiers when they were in there.

The CHAIRMAN. Do your records show, or do you know personally, whether the Crows in their tribal council approved these constructions or whether the bureau put them in without regard to the views of the Indians themselves?

Mr. REED. I do not know. I know now that last fall when I was there the branch known as the Reno Indians lived up under this Reno Ditch. They came in and in a small council requested that further work be done on their ditch, but the rest was away before my day. As I say, I am having a history of this ditch prepared, and I may be able to find a great deal of this data you are asking for and I hope to have it.

Senator LANE. What did they say was the reason for wanting this work done on Reno?

Mr. REED. They wanted to improve their lands. The old ditch was not giving full service.

Mrs. GREY. Was not a sluice built on the ditch and they were losing water rights, and was not that the reason they asked it?

Mr. REED. I do not believe they mentioned water rights. They did mention the fact that they wanted to improve the lands and raise more products. The ditch at the present time is more of a sluiceway than anything else, in some places.

Senator LANE. Did somebody put in a special sluiceway to conduct the water away from the Indians?

Mr. REED. No; not in there. There is a ditch, but I do not know whether you would call it a wasteway.

Senator LANE. They call that a wing dam.

Mr. REED. Every ditch must have some waste.

Senator LANE. A wing dam would turn the water off so that they could get it over onto the white man's land?

Mr. REED. If that condition exists, I do not know it; it may.

Senator LANE. That is what we are told.

Mr. REED. They did not mention it in their talk with me. They did not call attention even to that.

Senator LANE. Do you know whether that was in the nature of a head gate, a gate for turning the water out of the Indians' ditch and away from their irrigated lands, so that it would carry by and go somewhere else onto the white man's land?

Mr. REED. I do not remember it that way. Any sluiceway is for the purpose of getting rid of the waste water; to take it up near the supply it is not needed.

Senator LANE. This would take all the water at a diversion gate?

Mr. REED. That could be done on the ditch at the present time in two or three places.

Senator LANE. Has it not been done in one place, where you saw the construction?

Mr. REED. At Simonson's.

Senator LANE. Did you notice that? There has been testimony before this commission that there is such a structure, but whether it does I do not know. Mrs. Grey or somebody else says it turns the water way, but we have evidence from others that there is such a structure, a gate which turns water from the Indians' land and puts it on the white man's land.

Mrs. GREY. Puts it back into the ditches; that is the course of water that the Indians want.

Mr. REED. The ditch at the present time, as we get lower down, would not give any service, anyway.

Senator LANE. It would give less if the water was turned out near the head?

Mr. REED. Sure, if the required amount of water was not there.

Mrs. GREY. Did not the Indians ask the agent to let them turn it out onto the land and explain that they were willing to clean the ditch themselves?

Mr. REED. I do not know.

Mrs. GREY. They did, and he would not permit them to do it. It is now called a "projected project."

The CHAIRMAN. What is called a "projected project"?

Mrs. GREY. This old project, by putting the sluiceway in and turning the water back into the river.

Mr. REED. The ditch was first built by the Army officers. I do not know which one you have reference to. I have been pretty well around Reno.

Mrs. GREY. Right at Reno, on the road.

Mr. REED. Oh, yes; I know where it is.

Senator LANE. It appears they are turning the water off there and using it on the white man's land, and keeping it from going below, for the reason that they divert it and let it go back into the river, without letting the Indians use it, and they are now going ahead and rebuilding the ditch.

Mrs. GREY. There is not enough water in the Little Big Horn to put water into the new projects; they are now putting water wholly on the white man's land, so they are killing the old ditch that watered the Indians' land.

By putting in the sluiceway they are turning the water out of the Indian ditch back into the river about 10 miles from the head gate.

The CHAIRMAN. How long is that sluiceway?

Mrs. GREY. About as wide as that table [indicating the commission table] and extends across the river.

The CHAIRMAN. And cuts the water out of the Indian ditch and runs it back into the river, and farther down the river it is taken out and diverted on the white man's land?

Mrs. GREY. Down here; this is the place it is going to be put [indicating on map].

Mr. REED. The Reno is away down here. This is the Reno [indicating].

Mrs. GREY. All out of the Little Bighorn River.

Mr. REED. This is the Crow Agency here. This is the Reno ditch coming in here, about there [indicating].

The CHAIRMAN. What is the capacity of that stream—how much water?

Mr. REED. Oh, it is a flood stream. It gets low and it gets high. I do not know the maximum capacity, but I have seen it down as low, I should say, at the agency, as 100 second-feet.

Mrs. GREY. There was almost no water in it in September.

Mr. REED. And the maximum is all over the country.

The CHAIRMAN. Do you know the Two Leggings ditch?

Mr. REED. Yes.

The CHAIRMAN. Who built that?

Mr. REED. The Two Leggings ditch was built by a corporation.

The CHAIRMAN. What corporation?

Mr. REED. I have been writing that name so many times I ought to remember it—it is the Two Leggings Ditch Co.

The CHAIRMAN. Did it have a right of way?

Mr. REED. I think not, to start with.

The CHAIRMAN. Has it now?

Mr. REED. I think so.

The CHAIRMAN. How did it get it?

Mr. REED. By a contract with the bureau in which they bought an interest in the ditch.

The CHAIRMAN. The bureau bought an interest?

Mr. REED. For the Indian land to be served by it; yes.

The CHAIRMAN. Was that after you were in charge of the service?

Mr. REED. That contract was up and had been executed, but I believe had not been paid for, when I came in, because I remember that is one of the first things I ran against.

The CHAIRMAN. Did you approve it?

Mr. REED. It was already approved; it was just a matter of getting the money then.

The CHAIRMAN. Do you know whether or not the former chief clerk, Mr. Miller, became the manager of that ditch before it had been approved—the ditch running through the 34 miles of Indian land?

Mr. REED. No; I do not.

The CHAIRMAN. Do you know Mr. F. E. Miller?

Mr. REED. I met a man in Hardin by the name of Miller, and I presume that is his initials. They said he was formerly employed in the Indian Service.

The CHAIRMAN. You do not know whether he took charge of that ditch before it had been approved as to its right of way?

Mr. REED. No; I do not. That is a matter, I suppose, of record.

The CHAIRMAN. Do you know who estimated and paid the damages for the right of way on account of this—Mr. Miller is still in charge of that ditch, I believe.

Mr. REED. I do not know who is manager of the ditch. The ditch has been turned over to the water holders under it. That is completed now, but I do not know who is their local manager.

The CHAIRMAN. I think my question is misleading. I think he is not now in charge.

Mr. REED. He is now a county officer, I think.

The CHAIRMAN. Of United States commissioner and a dealer in Indian lands.

Mr. REED. I remember, now. I believe he is a county officer, but I have not seen him but once.

The CHAIRMAN. When the Two Leggins ditch was turned over to the white and Indian landowners, the whites employed a man by the name of Nolan to look after their interests against the company?

Mr. REED. A lawyer?

The CHAIRMAN. I do not know whether he is a lawyer or not.

Mrs. GREY. Yes, a lawyer; a partner of Senator Walsh.

The CHAIRMAN. Did the Indians have anybody to look after their interests?

Mr. REED. Do you mean—

The CHAIRMAN (interposing). Any attorney?

Mr. REED. I think not.

The CHAIRMAN. Have you a recorded table of water rights of the Indians who have acquired water rights under this Two Leggins ditch?

Mr. REED. There is a list, I believe, in the office.

The CHAIRMAN. Is it recorded?

Mr. REED. You mean in the county offices there?

The CHAIRMAN. Yes; and in the bureau?

Mr. REED. Oh, it is a matter of record in the Indian Bureau.

The CHAIRMAN. Do not they require that that be recorded before they attach the lands?

Mr. REED. That would be recorded as ditch interests, but whether the individual piece of land would be recorded I am not sure, but if that law is the same as some of the old laws it would not be necessary if the ditch company had applied for certain waters and stipulated the area which it was to cover, then it would not be necessary for the individual to come in again. I do not know that that is the law, but I know that that is the practice or was the practice a few years ago in some of the Western States.

The CHAIRMAN. Nearly all of the States require some sort of record to be made, so as to enable the public, as well as the parties interested, to ascertain just what the water rights are.

Mr. REED. Oh, yes; and more especially now in the last few years.

The CHAIRMAN. Was there an appropriation made to buy water for these Indian lands?

Mr. REED. I think the money has been paid.

The CHAIRMAN. How much money was used in this way?

Mr. REED. I think the amount was \$12.50 an acre, but I do not remember the acreage.

The CHAIRMAN. How do you determine how much shall be paid—by the water actually put on the land, or is it estimated for by the people who are connected with the Two Leggins ditch?

Mr. REED. As a rule, a water right carries with it a minimum use of water—that is, that it shall be not less than a certain amount furnished, and frequently not more; that is, in acre-feet.

The CHAIRMAN. How much do they pay for it there; do you know?

Mr. REED. I think they intend to give there 3 acre-feet per acre. I believe that was the intention, and their water rights cost \$12.50 an acre. Of course there will be a maintenance expense, which will be pro rata of the general upkeep.

Mrs. GREY. A large portion of that land does not get water and can not get water. It is impossible that it ever can, but I am told they are paying for the water nevertheless.

The CHAIRMAN. Paying for the water they do not get?

Mrs. GREY. That they do not get and can not get.

Mr. REED. They have paid for the water right.

The CHAIRMAN. They have a water right and do not get water?

Mr. REED. I do not know whether they are asking for it. I could not say as to that. The superintendent could tell you more about that than I can; but I know there is a large area of Indian land in cultivation over there, but nowhere near the amount of water right held. That may not be altogether the fault of the ditch; it may be the fault of the people who use it. Some of that land is inherited and is not leased or no one to farm it.

The CHAIRMAN. Is there a ditch known as the "Farmers' ditch"?

Mr. REED. Yes.

The CHAIRMAN. Has it a right of way?

Mr. REED. That was up not long ago. I think in one sense it has and in another it has not. I believe the owners of the Farmers' ditch agreed with the various individual Indians that they could apply to make it a right of way, but it would have to be approved by the office, and I think it is not—

The CHAIRMAN (interposing). Not approved?

Mr. REED. Yes.

The CHAIRMAN. What had the Farmers' Ditch Co. asked for water; do you know?

Mr. REED. \$7, I believe.

Mrs. GREY. As against the other one, \$12.

Mr. REED. \$12.

Mrs. GREY. And they give more water, do they not?

Mr. REED. They shall measure out a certain amount; I think so.

The CHAIRMAN. Would it be cheaper and better for them to take water from that ditch, those that lie under it?

Mr. REED. There is a large portion that can not get it, of course.

Mrs. GREY. The Two Leggins ditch runs a long distance. The Farmers' ditch comes down here [indicating]. They are going to take the water out of the Two Leggins ditch, carry it over the Farmers' ditch, 5 miles from the Two Leggins ditch, and put it onto this land at a cost of \$12 an acre, besides this expensive work, whereas they could get it for \$7 by taking it from the Farmers' ditch.

The CHAIRMAN. Is that correct?

Mr. REED. No, sir; there has been no agreement at all. There are about three propositions up before the office of water right for additional land. I can tell it to you, because I read it over recently. The Farmers' Ditch Co.—I do not remember what they call themselves—agree to sell their water at \$7 an acre for the land that can be served by their ditch. There is another ditch farther down. They agree to sell their water for a small amount—\$0 acres, I believe—at \$12 an acre. The Two Leggins agree to sell for all the land, because they are the highest up and can serve it all, at \$12 an acre; or if they only sell for that portion which is above the other ditches, and can be served only by them, \$25 an acre.

Those propositions stand before the office to-day, and have not had action.

The CHAIRMAN. Have the Farmers' Ditch Co. made an offer to the department, through you, to furnish water to these lands?

Mr. REED. No; not through me. Naturally it would not come through me. They made it right straight to the commissioner.

The CHAIRMAN. To the commissioner himself?

Mr. REED. Yes.

The CHAIRMAN. Have you been called upon to report upon their offer or to investigate it?

Mr. REED. Yes.

The CHAIRMAN. Have you made a report?

Mr. REED. Not since they made their last offer; no.

The CHAIRMAN. Do you know when their last offer was made?

Mr. REED. The man was here not long ago.

The CHAIRMAN. Recently?

Mr. REED. Yes.

The CHAIRMAN. How is the Two Leggins ditch constructed?

Mr. REED. It is constructed of concrete, with wooden gates.

Mrs. GREY. Is there any concrete in the Two Leggins ditch?

Mr. REED. Oh, yes.

Mrs. GREY. Have you seen it?

Mr. REED. I saw it less than a year ago.

Mrs. GREY. There was not any in it in September when I saw it.

Mr. REED. It is a very good structure. I can not conceive it going out except by dynamite. Then there is a revetment toward the river, made with the use of sacks filled with sand or gravel.

Mrs. GREY. That is to keep the bank from washing out?

Mr. REED. Yes.

Mrs. GREY. The whole force of the river is right toward the head gate, and there would be nothing to prevent it going out if they had not built the bridge there.

Mr. REED. It is held in place. The head gate is in a good place. It would not be sufficiently protected if in a bad place.

The CHAIRMAN. Do you know of the bridge that is built across the Bighorn?

Mr. REED. Yes.

The CHAIRMAN. Was that built to accommodate the Indians or to protect the Two Leggins headgate?

Mr. REED. I do not know. It was there when I came on to the job.

The CHAIRMAN. Do you know how long it has been there?

Mr. REED. Why, not long. I should judge three or four years.

The CHAIRMAN. What does it accomplish?

Mr. REED. It does accomplish this, that it connects the two sides of the Bighorn during high water, an undertaking which is highly commendable. Whether or not it is in the exact location it ought to be, I am not prepared to say, but that they do get a connection across and a bridge across that river I do not think anybody will dispute.

The CHAIRMAN. Will there have to be a bridge near Hardin?

Mr. REED. I should think so. We can say this: This serves those Indians living on the Bighorn. They can come down and get into Hardin that way. But the Indian who happens to live on the Little Bighorn is up against the proposition of having to go a good many miles out of his way to get across.

Mrs. GREY. How about the people of Hardin?

Mr. REED. Well, they will have to stay at home.

Mrs. GREY. The fact is, Senator Robeinson, here is Hardin and here is the Crow Agency [indicating]. There was an appropriation of \$10,000 from the Indians and \$10,000 from the people of each of the two adjoining counties. They supposed the bridge would be built at Hardin where it would accommodate everybody. Instead of that it was built 8 miles above so that the abutment exactly protects the Two Leggins ditch. Charley Bair, who was the Republican boss, said—and the word went out—it “went there or went nowhere.” I have some photographs of it that I will put in.

The CHAIRMAN. Under what project is the Reynolds, Miller, and Throssel land?

Mr. REED. Reynolds is away up on the Little Bighorn.

The CHAIRMAN. Is it a fact that the agent, chief clerk, property clerk, and assistant property clerk, when that ditch was projected, are now interested in the ditch?

Mrs. GREY. And own the land.

The CHAIRMAN. And own the land?

Mr. REED. I know Reynolds. I met him. He owns some land, I understand. I am not familiar with the title of the lands. I have understood a man by the name of Miller owns some land.

Mrs. GREY. You know Throssel? He is the property clerk.

Mr. REED. I know a Throssel.

Mrs. GREY. You know Dick Throssel. He is assistant property clerk.

Mr. REED. No; I do not know but one Throssel. I do not know whether that is Dick or not.

Mrs. GREY. There are two of them.

The CHAIRMAN. What about the construction work on that project as compared with the others on the reservation?

Mr. REED. In what way? Is it good or bad?

The CHAIRMAN. Yes; compared with the others.

Mr. REED. It is newer, and the newer work is really better than the old work, I believe.

Mrs. GREY. Is it not the only construction on the Crow Reservation that is built of concrete?

Mr. REED. You might say the whole system. This system is modern and up to date; but this can be said of the old system—that at the time that was built they were not using concrete.

Mrs. GREY. There was no concrete used or in use excepting on this land that is now used by the employees who were in control when the ditch was projected.

The CHAIRMAN. How long since it was projected?

Mrs. GREY. In 1909, I think.

The CHAIRMAN. Recently, comparatively.

Mrs. GREY. Yes. You see, it is not completed.

The CHAIRMAN. What Indians get water under that canal, if any?

Mr. REED. That I could not tell you without taking the records of the office.

Mrs. GREY. As you drive along the road you see this long canal. One of those flumes, a beautiful piece of concrete, a splendid piece of work, lies like this [indicating]. Here is Throssel's land. Reynolds's

fence runs like this along the end, and there, right exactly at the end of his fence, is the end of the construction; the same on the other end where Throssel's land is.

The CHAIRMAN. The benefit of that ditch has gone to the whites.

Senator LANE. Who has paid for it?

Mrs. GREY. All the Indians have paid for it. It was formerly allotted to other Indians, and the Indian allotments were canceled while Reynolds was agent.

The CHAIRMAN. How long ago was that?

Mrs. GREY. The cancellation was made in 1906 or 1907.

The CHAIRMAN. You were not in the service then?

Mr. REED. No.

The CHAIRMAN. Do you know what Reynolds pays for his water right?

Mr. REED. I think he is like all the rest. No one has paid anything for water right or maintenance.

The CHAIRMAN. What is his business now on the reservation?

Mr. REED. The only business I know of is a trading store.

Mrs. GREY. Is he not buying hay?

Mr. REED. He is farming.

The CHAIRMAN. Do you know the Red Wolf land?

Mr. REED. No; I do not know it by that name.

The CHAIRMAN. You do not know that has been mired with waste water from the Throssel ditch?

Mr. REED. No; I do not know.

Mrs. GREY. There has been a great deal of complaint.

Senator LANE. Is there any land you have noted in that condition?

Mr. REED. It would be a remarkable irrigation system that there were not some land that way.

The CHAIRMAN. How much land have those employees and ex-employees under that ditch?

Mr. REED. I have not the least idea. This ditch was projected and the only thing I have had to do with it since I came on was, instead of using old lumber that would rot out in about seven years, I put in a little better stuff.

Mrs. GREY. It is a beautiful structure; I have never seen a finer one.

The CHAIRMAN. What is the size of the irrigated allotment on Crow Reservation?

Mr. REED. The land actually allotted or the allotment?

The CHAIRMAN. The allotment.

Mr. REED. If I remember rightly, most of their allotments are 160 acres.

Mrs. GREY. They were 160, but they have been canceled and made 80 acres, and I want to know by what authority?

The CHAIRMAN. When was that?

Mrs. GREY. That is what I am working on to find out. The act was passed about 1910, but the cancellation occurred long before that. And then I think that the act compels them when they cancel Indian allotments to pay the Indian for the land that they take from him. That has never been done on Crow.

The CHAIRMAN. It was done under authority of an act of Congress?

Mrs. GREY. The authority for doing so was not procured for certainly four or five years after the cancellation. It was done before I went there.

The CHAIRMAN. What is the Big Horn Improvement Co.? Is that a project on the Crow Reservation?

Mr. REED. There is some company, and I believe that is the name, that has been in correspondence with the office in regard to a power and irrigation scheme. There was a report made upon that before I came in. I never had occasion to make any report on it. I can tell you their scheme in a moment. As I understand their plan, it is to put in a high dam above what we call the Bighorn Dam now and raise this water and also developing power.

The CHAIRMAN. Have they any land along the canal they propose to build?

Mr. REED. I do not know they have anything anywhere.

The CHAIRMAN. They have no water rights in the river anywhere above?

Mr. REED. No; I think not.

Mrs. GREY. The right of way was approved.

The CHAIRMAN. When was that done?

Mr. REED. No; I think not.

Mrs. GREY. They were surveying when I was there.

Mr. REED. They were given authority to go on and survey, but there has nothing been approved. I am pretty confident about that.

The CHAIRMAN. Is there an extensive water power to be developed by the plans of this company?

Mr. REED. That is a question. A few years ago they made surveys in there, and their report was kind of a straddle.

Mrs. GREY. This present survey is really a resurrection of the old survey. They are establishing the old survey.

Mr. REED. What survey is that?

Mrs. GREY. The survey made about 1906.

Mr. REED. Well, they did not ask for that: maybe they are doing it.

Mrs. GREY. I was up and watched them; that is exactly what they are doing.

The CHAIRMAN. Their project has not been approved?

Mr. REED. No, sir.

The CHAIRMAN. Will it be submitted to you for approval?

Mr. REED. I think it will. I think it is more of a promotion scheme, perhaps, than anything else as yet.

The CHAIRMAN. To whom would the water power belong if they were permitted to carry out their scheme?

Mr. REED. It would have to be a concession by the Indians and the Indian department in order to put the power into use.

The CHAIRMAN. The Indians have not consented?

Mr. REED. Not that I have ever heard of.

Mrs. GREY. They have objected very vigorously. It is the old flaw. When I first went there they were trying to lease Crow Reservation for 25 years to the beet-sugar people, and that is where I got into my trouble. This is the same old plan, and the same people.

The CHAIRMAN. It is perfectly apparent that, taking the whole course of the matter from 20 years ago down to the present, that it has not been handled directly in the interest of the Indians there,

has it? You would not say that the trusteeship of the Government had been administered with diligence under all the circumstances. Is it necessary to have legislation to protect the rights of these Indians and to prevent them from being deprived of water rights they have acquired, or has the bureau power to do that under existing law?

Mr. REED. I think there is very little danger of loss of water right, even without any legislation. It may come to the time, and it would not be bad to have the clause put in that was put in several of the bills, because farther up on the Bighorn, in Wyoming—the Bighorn, Big Wind, Little Wind, Shoshone, and a few others—they are constantly increasing their appropriations even to the extent of a large storage proposition, and probably would have been able to finance it if it had not been for that failure of the Pittsburgh bank during last year.

The CHAIRMAN. That will undoubtedly go into the bill, and, of course, it is subject to a point of order. The Indian Affairs Committee of the Senate, I am sure, will put that provision in the bill, but will it be necessary also to have legislation to readjust those maintenance charges so as to make people who are actually benefited pay a fair maintenance charge—or can the department do that without legislation?

Mr. REED. That is a matter of law which I do not feel competent to pass upon, but I will say this, that it should be accomplished if it requires legislation.

The CHAIRMAN. Is there any authority now in the bureau to control the amount of water that may be taken out of the Big Horn River and the Little Horn River by diversion through the ditches controlled by the white people?

Mr. REED. I think not. I think the control of the waters, especially of those taken outside of the reservation, is entirely in the hands of the State.

Mrs. GREY. Both of those you referred to are on the reservation and they are Indian lands.

Mr. REED. The Two Leggings is now on the ceded portion.

Mrs. GREY. This is the Two Leggings land right in there [indicating]?

Mr. REED. Yes.

Mrs. GREY. Hardin is on the reservation.

Mr. REED. It is on the ceded portion.

Mrs. GREY. No, sir; it is not. It was dead allotments and sold. It is all on the reservation.

Mr. REED. That is a matter of law.

The CHAIRMAN. I realize that is a matter of law that would perhaps be for someone else to determine, but I thought perhaps you had a theory.

Mr. REED. I could give my ideas.

The CHAIRMAN. I would be very glad to have them, not as governing consideration, but with a view of throwing light on it.

Mr. REED. I believe a ditch, like the Two Leggings, that takes out below the appropriations of the Indians, that by beneficial use they will acquire right to that water to so much as they do beneficially use. The same would apply in any other place where it did not conflict with Indian rights. There is some decision by the courts, such

as the Winter's decision, that protects the Indians to a greater extent than the white man, but to what extent and how far that can be invoked is a question that is beyond me.

Senator LANE. You remember those allotments we were looking for? You would know about that?

Mr. REED. I would say here that I would not know so much about the allotments. If you would give it to me in sections we could find it.

Mrs. GREY. This is what we were working on. We found Indian allotments here [indicating].

Mr. REED. On Pass Creek?

Mrs. GREY. Yes; and up in this portion, and other places, too, were leased for less to white men than what would be the cost of maintenance, and it is irrigated land and they are getting the water.

The CHAIRMAN. Indians were paying for the maintenance?

Mrs. GREY. Yes.

The CHAIRMAN. What are they leased for?

Mrs. GREY. Some of them as low as 15 and 20 cents an acre.

The CHAIRMAN. What area is rented that low?

Mrs. GREY. I have not traced it all out. There is nothing on the lease to show. I have to take the leases and trace out the locations. I examined particularly this portion up here [indicating] and this portion here. I do not believe those Indians are using any water. I do not know of a single Indian getting water on the Crow Reservation as he wants it.

The CHAIRMAN. Do you know of any using water on the reservation?

Mr. REED. Yes.

Mrs. GREY. Could you give the names of any?

Mr. REED. No; but I could take you to the places.

The CHAIRMAN. How many are there?

Mr. REED. There are quite a few scattering Indians over on the Big Horn. They are not using it to the extent I should like to see them.

The CHAIRMAN. Have you any idea about how many?

Mr. REED. Oh, there are not many.

Mrs. GREY. You can not name five on the reservation.

Mr. REED. I can not name any, because I do not know the Indians. I go by land; that is all.

The CHAIRMAN. Could you give me an idea about how many you think are using water?

Mr. REED. Several hundred acres. I could give it better to you in acres.

The CHAIRMAN. How many acres, then?

Mr. REED. Oh, several hundred.

The CHAIRMAN. That is pretty indefinite.

Mr. REED. Up to a thousand.

The CHAIRMAN. Several thousand?

Mr. REED. Oh, no, no.

The CHAIRMAN. Up to a thousand?

Mr. REED. Yes. I have the farmers' records on that. I would not say from my own records. I have been getting this data all together. I am trying to find out myself where we are, and I have to get this information from any source possible, and I can give it to you, or

it can be obtained from the office if you will ask the commissioner, as to the amount of land that is being farmed by the white men and the amount of land that is being farmed by the Indians.

The CHAIRMAN. All right. We will get that from the bureau.

Mrs. GREY. Have you anything to show when the water is turned onto the land and when turned off? The Indians can sometimes get water in July, when their crops are all dead, and I saw one place where the ditch was dammed right across, up at the old Horn place—a farmer by the name of Barnett—about a mile and a half from the agency to the dam.

Mr. REED. You mean the Reno?

Mrs. GREY. No; on the agency ditch, up in here [indicating on map].

Mr. REED. Above, you mean?

Mrs. GREY. Right in here.

Mr. REED. The canal takes out right there at the agency.

Mrs. GREY. You know where Bompert's place is?

Mr. REED. I do not know by the name; no.

The CHAIRMAN. It is now 9.30. I have a subcommittee of the Committee on Rivers and Harbors which meets in a few moments, and Senator Lane is ill. We will not have any further hearings to-night. I understand there are some others here who would like to be heard, but we will have to hear them at another time.

The commission will now stand adjourned subject to further call.

(Whereupon, at 9.30 o'clock p. m., the commission stood adjourned to meet at the call of the chairman.)

WEDNESDAY, MAY 27, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The commission being in session in room 128, Senate Office Building, for the consideration of other matters, proceeded to the consideration of the Crow Indian Agency.

Present: Senator Lane (presiding) and Representatives Stephens and Burke.

TESTIMONY OF MRS. HELEN PIERCE GREY.

(The witness was duly sworn by Senator Lane.)

Senator LANE. Mrs. Grey, you said that you had some matters which you wanted to present to this commission. Will you state what they are and the nature of what you have that you think we ought to know?

Mrs. GREY. Last August Senator Robinson gave me authority to go to Crow Reservation, representing certain Crow Indians, and to investigate certain matters there and report to the commission. Since that time I have been investigating certain matters on Crow Reservation with reference to the leases and to the lands, and have also been working on the accounts rendered by the agent.

Some little time ago—about three months ago—I made a written statement for the commission with reference to the large leases, and that I do not suppose you want me to go into to-night. I had in

mind more especially to go into the current leases, the two leases that have been recently made on the reservation.

Senator LANE. All right; whatever you think would interest the commission.

Mrs. GREY. That is what I think you suggested to do.

Senator LANE. I did not make any suggestion of that sort. I wanted to know if you had found out what the terms of those leases were, and if you have I would be very glad to know what they are.

Mrs. GREY. I think the best way to begin is to show you which lands the leases cover.

This is a map of the Crow Reservation [referring to map upon wall of commission room]. There are about 3,000,000 acres in all in the reservation. This [indicating] is the Big Horn River, and this is the Little Bighorn River, and this portion in between the two is known as No. 5. That has been recently cut down about one-half, the lessees being moved to the south half and the Indians' cattle being put to the north half. A fence has been built which comes in just about here [indicating], crossing over there, cutting this lease in here, known as No. 5, just about in half.

In 1910 this entire lease was made to a man by the name of Heinrich. Prior to that time he had been running cattle on that range [indicating] under irregular permits, permits evidently made between himself and the agent, and for which no accounting was made to the Indian Office and no record was made. The hearing that was had before the Senate committee in 1908 brought out the fact that they were paying almost nothing for this land; in fact, the best they could make was \$3,000 when the leases were relet in 1910. After this hearing Heinrich voluntarily made a bid of \$44,800 a year on much less range than he had been paying for prior to that time only \$3,000 a year. Since that time he has been occupying this range [indicating]. He has never paid the full amount, because in one way and another it has been diminished; and the last time it was let, instead of being let for the entire range it was stated that the range had been so overstocked that it would not now carry the number that it had heretofore, so the number was diminished, and instead of renting by the range the lease was let by the head, and the lessee was to pay \$1.95 a head.

Senator LANE. When was this lease entered into?

Mrs. GREY. This lease was made in 1913.

Senator LANE. For how long a period?

Mrs. GREY. To run three years. The point is that when they changed it that there was no provision for consent of Indians at all on the district. I made a complaint just about three years ago, after I had been at the reservation, that that A. A. Campbell, who was the stock inspector, had testified in the agent's office that there was no data in the office at all of any description to show how many cattle or sheep were on this lease or on any part of the reservation; that although there were a large number of sheep on the reservation that were paid for by the head, they did not count sheep because they were not "stock." Right along in that line, I find, the office is preparing to cut down this permit at the present time; the number of cattle on that range is estimated in pencil by the lessee himself, no one else paying any attention to it at all. He just puts in a pencil statement of the number of cattle that are there.

Senator LANE. The estimate, you say, is made by the lessee, and not by the Government?

Mrs. GREY. It is made by the lessee himself.

Senator LANE. How do you know that to be true?

Mrs. GREY. It is signed by the lessee; it does not purport to be anything else. One peculiar thing about the statement to be signed—it is signed at Lodge Grass, you see [exhibiting paper to the commission].

Senator LANE. What document is this?

Mrs. GREY. Document 66990; 1912.

Senator LANE. And this is 1913?

Mrs. GREY. Yes; but this file runs from year to year, and the statement that I have is dated September 27, 1913.

Senator LANE. What part of the statement?

Mrs. GREY. It is called "Relative to the extension of certain privileges on Crow Reservation."

Senator LANE. Is that an official document belonging to the Indian Bureau?

Mrs. GREY. What I am showing you is the official estimate of the number of cattle on the reservation, as you see.

Senator LANE. I will read [reading]:

LODGE GRASS, *September 27, 1913.*

I hereby certify that the following is a true and correct statement of the number of cattle and other live stock grazed on the Crow Reservation under the terms of the lease covering the territory embraced in grazing districts Nos. 5 and 6, as follows:

Number of cattle on hand Jan. 1, 1913 (about)	23,000
Number of other live stock on hand Jan. 1, 1913	250
Number of cattle on hand July 1, 1913 (about)	23,500
Number of other live stock on hand July 1, 1913	250
Average number of cattle grazed during the 6 months ended July 1, 1913	23,250
Average number of other live stock grazed during the 6 months ended July 1, 1913	250

Kind of live stock other than cattle grazed, horses.

FRANK W. HEINRICH, *Manager.*

Subscribed and sworn to before me this 27th day of September, 1913.

WILLIAM A. PETZELD,
Notary Public, Lodge Grass, Mont.

My commission expires January 29, 1916.

(Above figures and signature of Heinrich in pencil.)

LODGE GRASS, MONT., *January 26, 1914.*

DEAR MR. SCOTT: In compliance with your request of recent date that the office is anxious to collect the lease payments promptly, I inclose checks for the amounts due. Also statement of the number of cattle ranged on lease No. 5 since the Government has in part revoked this lease. My contract with the Government called for a maximum average of 23,000 cattle on lease No. 5. The figures enumerated in the statement are the number of stock that have been and are ranging on this lease.

Very respectfully,

F. W. HEINRICH.

(The above letter in pencil.)

LEASE No. 5.

1913.

On range Feb. 1 to Aug. 1, cattle, 16,240, at \$1.95-----	\$15,834.00
On range Feb. 1 to Aug. 1, horses, 250, at \$1.95-----	243.75
On range Apr. 1 to Aug. 1, cattle, 5,700, at \$1.95-----	3,705.00
On range May 1 to Aug. 1, cattle, 1,300, -----	633.75
Amount due Aug. 1-----	20,416.50
Paid-----	22,425.00
Rebate-----	2,008.50
On range Aug. 1 to Oct. 1, horses and cattle, 23,490, at \$1.95-----	7,628.25
(Error; \$6 short.)	
On range Oct. 1 to Feb. 1, horses and cattle, 18,293, at \$1.95-----	11,890.45
On range Jan. 1 to Feb. 1, calves, 3,200-----	520.00
Amount due Feb. 1, 1914-----	20,038.70
Paid-----	22,425.00
Rebate-----	2,386.30
Cattle on hand Feb. 1, 1914, loss 493-----	21,000
Off on feed on average of 3 months-----	6,000
On range Feb. 1 to Aug. 1, 1914, 15,000, at \$1.95-----	14,625.00
Additional on range May 1 to Aug. 1, 1914, 6,000, at \$1.95-----	2,925.00
Total-----	17,650.00
Less rebate paid F. M. Heinrich-----	4,394.80
Amount due-----	13,255.20

Subscribed and sworn to before me this 28th day January, 1914.

W. P. SQUIRES.

Notary Public for the State of Montana,

Residing at Crow Agency, Mont.

My commission expires January 25, 1916.

(NOTE.—The above letter is in pencil.)

Mrs. GREY. Before you go any further I want to show you something about this. This, of course, is a private paper, or supposed to be. That is made on Government paper. You see all the estimates there are just put in lead pencil.

Senator LANE. What is this other paper?

Mrs. GREY. That is the recapitulation.

Senator LANE. Is that to be read?

Mrs. GREY. I am merely showing this to show you how they estimate cattle on Crow Reservation. This is the only account there is.

Senator LANE. This is the only account, and it is furnished by the man himself?

Mrs. GREY. It is not verified by anybody; it is merely accepted as the final proof of the number of cattle on the reservation.

Senator LANE. What is the payment for that lease, do you know?

Mrs. GREY. \$44,850.

Senator LANE. How much a head?

Mrs. GREY. Afterwards it was made \$1.95 a head.

Senator LANE. This was \$44,850?

Mrs. GREY. \$44,800.

Senator LANE. On what basis was that made? May be they do not care anything about the number of cattle. They were charging him for the number of acres of land at that time?

Mrs. GREY. No; it was merely taken—

Senator LANE. You say they were not basing it on the number of cattle?

Mrs. GREY. No. They let the ranges—such a range was let to the highest bidder, and he bid so much.

Senator LANE. There was competitive bidding?

Mrs. GREY. There was competitive bidding, but it was not let to the highest bidder.

Senator LANE. Who was the highest bidder?

Mrs. GREY. The highest bidder was Peter Yegan.

Senator LANE. What did he bid?

Mrs. GREY. It made quite considerably more.

Senator LANE. How do you know that?

Mrs. GREY. The statements are here.

Senator LANE. Was he responsible and reliable?

Mrs. GREY. Oh, yes, indeed; more responsible than the man who got it.

Senator LANE. I do not see that you show that by this statement?

Mrs. GREY. I will read the letter.

[Hamilton, Colbert, Yerkes & Hamilton, attorneys and counselors at law, Union Trust Building.]

WASHINGTON, D. C., *September 23, 1909.*

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Referring to the matter of the recent lease of districts in the Crow Indian Reservation, State of Montana, for grazing purposes, we desire to file a protest against the awards made by your office with regard to districts Nos. 4 and 5, in said Crow Indian Reservation.

The notice calling for sealed proposals directed that all proposals should be filed by 2 p. m., on August 2, 1909, in the Office of the Commissioner of Indian Affairs, this city.

Various sealed proposals were forwarded to your office, and at the time appointed the bids were opened in the presence of the bidders, and it appeared that with regard to district No. 4, the bid of Fred Inabit, who was our client, was the highest bid, he having offered 8 cents an acre for the district, estimated to contain 400,000 acres. The next highest bid was that of C. M. Bair, who offered 6½ cents per acre, with \$1,000 additional for construction of reservoir.

The opening of the bids for district No. 5 disclosed that Christian Yegan, who was our client, was the highest bidder for the whole of said district, and that Frank M. Heinrich also filed a bid for a portion of said district.

At the time the bids were opened the bidders were advised by Mr. Valentine, acting commissioner, that the bids would be considered and the award probably made in about a week thereafter, but nothing more was heard by us from these bids until August 9, when the acting commissioner requested us to obtain for him information as to Mr. Inabit's experience in dealing with Indians, and as to his financial responsibility, and that he would have to have such information by 12 o'clock on August 11.

On August 11 we were advised by the commissioner's office that the information which they had called for on the 9th was not what they desired, but that they did desire to know how many sheep Mr. Inabit intended to run on the range, and that they would have to have that information by the 13th of August.

The proposals for bids did not require the bidder to state either the class of animals he proposed to run on the range, or the number, and in view of the short time allowed us to obtain the information desired by your office, it had to be accomplished, if at all, by telegraph.

We took up the matter by telegraph, and as a result advised the acting commissioner on August 11 as to Mr. Inabit's character and financial standing, and again on August 12 of the fact that if he obtained the lease he did not intend to use the range as a whole for grazing sheep, but did expect to use the mountainous portion of the range for finishing mutton lambs.

On August 13 the acting commissioner announced that he would award the lease for district No. 4 to C. M. Bair, who was the second highest bidder at the time the proposals were opened, but who, it seems, was subsequently permitted to put in a bid for this district under the permit system, and for a much larger sum than his first bid. The bid of Bair, as read out by the acting commissioner, was a bid under the lease system, accompanied by a long statement that some sort of combination had been formed against him for the purpose of depriving him of the lease, but which certainly did not amount to a bid under the permit system, and he was permitted to make the subsequent bid under the permit system without the knowledge of Mr. Inabit, or of ourselves as his representatives, and without giving him an opportunity to also put in a bid under the permit system.

We believe also that the lease was awarded to Bair without the knowledge on the part of the Commissioner's Office, in the belief by the acting commissioner that Bair had been an entirely satisfactory tenant so far as the Crow Indians were concerned, and that the Indians as a nation desired the lease to be given to him. Our information is, and we believe that any fair-minded investigation will show that the Crow Indians as a nation are opposed to the granting of the lease of district No. 4 to C. M. Bair, and that he has not been at all satisfactory to them as a lessee. So much for district No. 4.

On August 13, at the time that the acting commissioner awarded district No. 4 to Bair, he announced that Christian Yegen, who was the highest bidder for district No. 5, would be entitled to the lease, but he stated that he was in doubt as to whether or not Mr. Yegen understood the boundary lines of the district which he would get, and that his doubt arose from the largeness of his bid, and we were requested to ascertain from him his understanding as to exactly what territory his bid covered, and to advise him that the portion of the district which was known as Heinrich's pasture was not included in the portion intended to be leased.

It then developed, according to Mr. Abbott's statement, that the officials of your office were without knowledge themselves as to the boundaries of district No. 5, and apparently did not know what ground they intended to lease, and on August 23, when we called upon Mr. Abbott and stated to him positively that Mr. Yegen would accept the lease for the district No. 5 as described in the proposals on the terms of his bid, we were advised by him for the first time that all of the bids on No. 5 had been rejected, the reason given by him for rejecting the bids was that because at the time the proposals were prepared the Indian Office was unadvised as to the proposed bounds of district No. 5, and that such information as they had had proved incorrect and misleading, and, secondly, because since the proposals were issued protests had been received by the office from Indians objecting to the grazing of sheep on portions of the range.

He also stated that Mr. Yegen would be given permission to take a lease on portions of the ground as described by the Indian Office, and he proceeded then to write out the propositions which he would agree to lease on. These propositions were as follows:

Will take \$4,500 under lease for the land south of a line running from the mouth of Black Canyon to its head; thence to the head of Rotten Grass Creek; thence to the head of West Lodge Grass Canyon; thence along said canyon to its junction with the main Lodge Grass Canyon; thence up said Main Lodge Grass Canyon to the Wyoming-Montana boundary line. Number of sheep to be limited to 17,500.

Will take \$8,500 under permit for lands south of a line running from the mouth of Black Canyon to its head; thence to the fence commencing on the east side of Rotten Grass Canyon near the head of Rotten Grass Creek; thence northeasterly along said fence to the Rim Rock; thence along the Rim Rock in a southeasterly direction to the fence of district No. 6 on the east side of Lodge Grass Creek. Number of sheep to be limited to 22,000.

These descriptions were gotten by the acting commissioner from the attorney for Frank M. Heinrich, and cover such portions of the I. D. range as Heinrich was not particularly anxious to lease himself, although Heinrich himself had put in a bid for the whole I. D. range since the opening of the bids, and notwithstanding the fact that there had been no proposals asking for bids on the whole range.

Having obtained information that the Indian Office was considering Heinrich's bid for the whole range we asked Mr. Abbott if Mr. Yegen would be permitted to bid on the whole range, and were advised by him that such bid would be received, but that it would have to reach him not later than August 28, 1909.

We again took up the matter with Mr. Yegen by telegraph, and although he was unable to consider the proposition with any degree of care within the time limited, he did telegraph that he would bid \$40,000 for the whole I. D. range, which bid was submitted to the acting commissioner.

On August 28 the whole I. D. range was awarded to Heinrich for \$44,850. This lease awarded in irregular manner and without proposals or proper time being allowed for consideration of the proposition, as above indicated, was, we believe, awarded by your office under the belief that Heinrich was desired as a tenant by the Crow Indians and was in every way satisfactory to them. We believe the fact to be, and that you will be so convinced upon a fair investigation, that the Indians as a nation are bitterly opposed to Heinrich as a tenant. In addition to that it seems to us that the method of awarding the bids on both districts No. 4 and No. 5 were irregular, illegal, and unfair to our clients, and that by reason of the change of position by the Indian Office on several occasions, our clients were not allowed proper and sufficient time to meet the new propositions advanced by your office, and that for these reasons they lost the leases for which they were bidding.

We submit further, that both Mr. Inabit and Mr. Yegen are men of high standing, of financial responsibility, are in every way satisfactory to the Indians of the Crow Nation, and are the parties that the Indians desired to have the leases on their lands, and we submit that if the proposals for leases and subsequent award thereof had been conducted with some regard, at least, to the legal requirements and the rights of the bidders, that we would have received the leases for which our clients were bidding.

We respectfully call these matters to your attention to the end that the leases which have been granted to Mr. C. M. Bair and Mr. Frank M. Heinrich shall be set aside, and that all parties be given a fair opportunity to bid for the grazing lands in question.

Yours, very truly,

HAMILTON, COLBERT, YERKES & HAMILTON,
By JOHN J. HAMILTON.

Senator LANE. Just a moment. It appears they let this land for a lump sum of \$44,850, and took his estimate for about the number of cattle on there. They evidently were not leasing it on the basis of the number of head of cattle to be grazed.

Mrs. GREY. No; they were not. They could put on as many cattle as the range could carry, but they were not permitted to sublease, and they did sublease.

Senator LANE. You were trying to prove by this that this was all the estimate that the office had. It would be all they need.

Mrs. GREY. I have not made myself clear. In 1914 they changed the way of letting the lease from letting it by the range to letting it by the head, and this was the estimate upon which it was let by the head.

Senator LANE. This is the estimate by the head?

Mrs. GREY. It was estimated in 1913. This was to be the estimate by the head.

Senator LANE. I see.

Mrs. GREY. And no one had anything to do with making the estimate except the lessee himself, and then he submitted his estimates, all in pencil, in this way, do you see? This might be altered at any time. The letting of that lease I take up in that former report, and if you want to ask me any questions I had better go back and read the report, because I had the documents and I quoted from the records.

Senator LANE. Go ahead.

Mrs. GREY. It will be a long statement; I can assure you of that.

In 1913 this range was let at so much a head, but there was no accounting of the numbers that were on the range. Last year—in April of 1913—it was decided by the Indian Office to purchase a herd for the Crow Indians. In order to accommodate the new herd, a fence was built, starting from this point here [indicating on map on wall], running right over here, then down, and over here to the railroad.

Representative BURKE. East and west and dividing that area?

Mrs. GREY. Just about in half. You will see at the same time this is mountainous, but it is not a winter range only. They are not high mountains. The mountains are such that the cattle run there all winter long. If you go a little further down here, you come to a place where they can not cross over to the Garvin Basin, but at this point they can range all the year. This point is the very cream of the range. It is broken up in such a way that it is one of the most perfect ranges possible. Down here [indicating the Indians' range], you will see, there is very little water. This [Indians'] does not compare at all with this [lessees']. This is where the Indians' cattle go, and the Indians are objecting strenuously about this fence.

Representative BURKE. Let me understand you. The tribal herd was ranged north of this fence which runs east and west, and between the two branches of the river, or the main Big Horn River and the Little Big Horn?

Mrs. GREY. Yes; it is to be ranged—

Representative BURKE. I understand; but the lessees' cattle are to be kept south of that east and west fence.

Mrs. GREY. That was the understanding. This man Heinrich, who signs himself "manager" there [indicating], is not in fact the owner of these cattle at all. He signs himself as "manager." In testimony that was taken when Mr. Holcomb made an investigation back, I think, three or four years ago, Mr. Heinrich, when he was asked a question about how many cattle he had shipped, testified, "I do not know until the end of the year, when I get it from the bank," which is proof to any cattle man that he is a manager and not an owner of those cattle. The real owner of those cattle is H. C. Bostwick or the Stock Yards National Bank, of South Omaha. That is the bank that is owned by the Armours and Cudahys. In a prosecution of an Indian for killing cattle about two months ago, the animal that was killed bore the brand of the "Omaha Packing Co.," which is the Cudahys, of Omaha. Consequently those cattle—there is no question but what those Omaha Packing Co. cattle are up there. It has been testified to repeatedly that those are the cattle.

Representative BURKE. Is that material?

Mrs. GREY. Very material, because H. C. Bostwick, at the present time, I believe, is absolutely in control of Crow Reservation. I believe that with the making of this new No. 3 lease, he then controls all except this portion between the two rivers—not openly, but in association with other men, as, for instance, here he is with Heinrich. Mr. Heinrich, in estimating the cattle there, signs himself "manager"; he does not even pretend to own these cattle.

Representative BURKE. How is the lease signed?

Mrs. GREY. The lease is signed by Heinrich, but the surety is Bostwick, and the accounting for the cattle when they are sold at Rosenbaum's is made to the bank, and the checks that go to pay the lease come from this bank. I do not think there is anybody who will deny that Bostwick is back of Heinrich.

Representative BURKE. Assuming that to be true, I have not seen the point as to what difference it makes whose cattle they are, if there is a lease and there are so many cattle paid for at \$2.25, whether they are Bostwick's or Heinrich's cattle.

Mrs. GREY. There would be no reason, except for the fact that Mr. Heinrich leases it, and he is under contract not to sublease; whereas, in fact, if you will examine conditions on Crow Reservation, you will see there is a great power that is absolutely autocratic. You will see the employees of these men going around with guns. They are able at any time to hold an Indian up and search him, search his house, break into his house, and do anything that they want to, and there is no check upon them.

Representative BURKE. Do they do those things?

Mrs. GREY. Yes, indeed. This range has been divided, and a new arrangement has been made by Heinrich by which he in fact was making a new permit to take effect very shortly. He paid \$44,800 for the entire range. He is getting the best half of it for \$15,000. There is no competition, no bids, and I know of no reason why it should be cut down, because it is the best part of the range, and you see he is getting it for considerably less than half.

Representative BURKE. Now they have abandoned the \$2.25 and another lease has been made?

Mrs. GREY. And another lease has been made, and he gets it now for \$15,000. There has been no official estimate, of course, of the number of cattle that have been run there.

Senator LANE. When was the lease entered into?

Mrs. GREY. I have it here and I think I will read it.

Representative BURKE. What amount was the check for under the lease at \$44,850?

Mrs. GREY. It has not been settled. He sent a check to the commissioner and the commissioner returned it, because they could not come to a positive agreement as to what was due.

Representative BURKE. What was the amount of the check?

Mrs. GREY. It is in here, if I just could find my papers. What was the question you asked?

Representative BURKE. What was the amount of the check that was tendered and returned under the lease that provided for the payment of \$2.25 per head?

Mrs. GREY. I think I had better find that for you. The price of the permit was cut down without competition, so that he paid only \$15,000 per annum, but he agreed to pay \$2 per head per annum for any stock grazed in excess of the average of 7,500. Now, he himself makes the estimate of the number of cattle that are there, consequently that amounts to nothing. In the new form is this clause [reading]:

The permittee further agrees to purchase at its market value all surplus hay put up by Indians in this district and offered by them for sale. Such hay is to be properly stacked and fenced before its purchase. Fence to conform to the requirements of the laws of Montana.

Representative BURKE. Mrs. Grey, just a minute, so that I get this in my head straight. Has this new permit that you are now talking about been approved?

Mrs. GREY. Yes; I think it has been. It has been signed. I think that the bond has not been completed, but it is under process of completion.

Representative BURKE. It has not been finally approved?

Mrs. GREY. I think it has been finally approved, but I am not sure of that. I think it has been. But it contains this clause about the purchasing of the hay. One of the great troubles on the reservation is that the Indians are down in these districts away from the railroad, and they are not permitted to sell their hay to anyone except the lessee. He, in this permit, is not compelled to pay any fixed price; merely the market value; and instead of paying the real market value he has heretofore, and all of these lessees have, only paid \$4.50 and \$5, whereas when the agent buys hay he buys at \$10, and the market price even goes up very much higher, as you know. It is made entirely in favor of the permittee. This [indicating paper], as it is written out here, also contains a clause which will permit the lessee to sublease. Now, this matter of subleasing has been under discussion for a long time with reference to Crow Reservation. One man would get a lease and then he would sublease, and sublease and sublease and sublease again, making many subleases. For instance, Heinrich was paying \$2.25 a head for his cattle. He was subleasing to John Booz in such a way that John Booz was paying something more than \$4 a head for half a year. Then they were also subleasing to John Kendrick, to E. L. Dana, and to a great many others for very much more than the lessee was paying. This has been going on continually, and is of course very unfair for the Indians, showing they are not being paid what the range is worth. And then, again, the permit contains this item—

Senator LANE. What is the date of that new permit?

Mrs. GREY. March 11, 1914 [reading]:

The permittee shall have the privilege of subleasing, with the approval of the superintendent of Crow Reservation and for not in excess of the amount paid by him, that part of the above-described lands south of the mountains known as the Garvin Basin and estimated to contain 30,000 acres and to support 1,500 head of stock. All stock grazed in this basin to be counted with permittee's stock in making above average.

Senator LANE. At what rate per head—

Mrs. GREY. There is none given.

Senator LANE (continuing). Per acre?

Mrs. GREY. It simply says, "shall not pay more than the lessee."

Senator LANE. What does the lessee pay?

Mrs. GREY. I can not tell; there is no way of telling.

Representative BURKE. He is to pay \$15,000.

Mrs. GRAY. No; Heinrich is to pay \$15,000 for the whole thing, but he is to sublease this at the rate for entire range—15,000 head of stock and 30,000 acres. There is no way of checking him so that he shall not get more for the subleased range than he is paying. He is getting very much more now, and it is the only sublease that is acknowledged, whereas there are, in fact, very many.

Representative BURKE. Let me ask you, are you apprehensive that unless this commission now, at this time, investigates this matter, that an improper lease is going to be approved by the Secretary of the Interior?

Mrs. GREY. I think that very much misinformation has been given to the commissioner, and I think that there is going to be a very great error made there unless immediate action is taken.

I was down in the Indian Office a few days ago, on March 2—

Representative BURKE. March 2?

Mrs. GREY. May 2, I mean, and I had at that time with me a number of files copied from files and letters, and I went over this matter with Mr. Linnen, who is here, and the result of our conversation was this memorandum, which I will read. The memorandum does not give evidence. It is a memorandum made from evidence, and the evidence is not here. We went over the papers, and I do not think there is anything here—

Representative BURKE. It is a synopsis, is it?

Mrs. GREY. Rather a synopsis and memorandum. It was prepared for the commissioner. No action has as yet been taken upon this, and time is passing when action can be taken, and unless action is taken it is going to be cause for very serious loss financially to the Crow Indians, and a great many deaths. A number of those Indians have starved to death this last winter. I personally know of two who have actually died of want.

The point in this lease is that in making the leases on the Crow Reservation, and in particular this lease to Frank Heinrich on this range, the rights of the Indians are entirely lost sight of. There are on that range a large number of Indian allotments that are the only means of support that the Indians have, and what I am saying now applies just as much to No. 3, which come just about in here [indicating on map], down here, and parallel with the Big Horn River.

Representative BURKE. West of the Big Horn?

Mrs. GREY. Yes. This No. 5 has been completed but not approved. This No. 3 I think has been approved but not gone into effect yet. The point is that the Indian allotments are put in for nothing, and this great power controls them.

Representative BURKE. Just a minute. This lease that is now pending, about which you have information, you have gone over the matter with Mr. Linnen?

Mrs. GREY. Yes.

Representative BURKE. A memorandum has been prepared for submission to the commissioner, and the lease will not be approved by the Secretary until the commissioner has first approved it, and until the commissioner acts, is there anything for this commission to do? I want your opinion about that.

Mrs. GREY. Well, the matter was under investigation by this commission, and this matter was before this commission, and is before this commission, rather than before the commissioner.

The point that really should come more before this commission than any other is both with reference to leasing of a portion of No. 5 and No. 3. The method in which the Indian allotments are included in the lease, that is the point that I particularly want to bring before the commission, because that is the vital point.

The whole reservation is included in these permits. Very much of the land is allotted, and the Indians are not permitted to use their allotments. Their allotments are thrown in, and the lessee gets the benefit of those Indian allotments without paying at all for them. The result is that the Indians are in a state of destitution, and the lessees get something like a half million acres of land, for which they do not pay a cent, and in that way the lessees who are on the inside can always overbid anyone from the outside.

Senator LANE. I call Mr. Burke's attention at this time to this statement, made by Indians and those who represent them: They refused to work upon this fence. They objected to it. They said, "This puts us onto the bad lands," and they had nothing to do with it, and that is verified by the commissioner and others.

Mrs. GREY. More than that, they threatened to kill anybody who did work on it, and I think if I had not sent the petition in there would have been murders committed.

Senator LANE. They claim, in consequence of that, that the department held back their annuity and did not pay them—their only means of support was the sale of their hay, it seems, and they claim that the lessees had refused to buy their hay because they would not work on the fence, and that the superintendent refused to give them their annuity for the reasons that they would not work on the fence, and the last winter they got on to very short rations; they were living, a good many of them, on potatoes and flour mixed up with water, and were trying to buy, one of them, at least, any such dead cattle as they could find on the range and asking permission to use them for food for their families, and that all this was done in order to force them to do this work on the fence. They made the claim also that the cattle, when they were shipped and sold by this lessee—shipped to the packers in Chicago and Omaha—that he or the packers set the price for them and made the weights and returns in every way, and that those packers were, in fact, partners of the lessee on the range.

Representative BURKE. I do not know anything about the condition in Montana. Those conditions do not obtain in our State on the reservations, and we maintain stock inspectors in Chicago who keep track of all cattle that come in.

Mrs. GREY. Does he keep track of the Indian cattle?

Representative BURKE. All cattle.

Mrs. GREY. He takes the last brand only, does he not?

Representative BURKE. I suppose. Anybody's cattle will occasionally get in with a shipment, and the idea is to see that the owner gets the pay for that number.

Senator LANE. The Indians had no one to represent them. Their cattle were shipped and placed in the hands of the packers in Chicago or Omaha, wherever they were sold, and claim that the men handling the cattle on the range were employees of the packers. That was the complaint.

Representative BURKE. I protested against it when they leased reservations in our State; protested until it became somewhat unpleasant for me, and to-day the department itself is notifying lessees that they will be required to remove their cattle, terminating their leases, not renewing them.

Senator LANE. There was another complaint made, which was that these leases were made to begin and expire on the 1st day of February, and the Indians set up the contention that it prevented anyone on the outside—any new bidder—from coming in and bidding on it with any reasonable hope of success, for the reason that he could not put cattle on there at that time of the year, nor could the lessees get off very comfortably, and so it was favorable to the man occupying the land.

Representative BURKE. If you did not start earlier than some time in February or March, you would not get a lease that would do you any good that year.

Senator LANE. They claimed they were forced to take possession at an unfavorable time of the year. You can not drive cattle in February in any part of this country that I know of. You would have to ship them on the train. That was the specification that was put up to bidders, that they must take possession on the 1st of February instead of allowing them to come in when the grass was good. That is the contention of the Indians. They thought lessees should be permitted to place the cattle onto the range in June, when they could do so easily and in good shape. You can not drive cattle either on or off the range in February. It is not the time of year for that.

Representative STEPHENS. Do they not ever put the cattle on in the spring of the year?

Senator LANE. They would have to pay two or three months and get no pasturage. The Indians claimed that that was a discrimination in favor of the men who were already on the reservation.

Mrs. GREY. The last permit has been changed on account of the work of this commission, so that particular permit now goes back to the old time.

Senator LANE. The old lease began the 1st of July, and it was changed a number of years back.

Representative STEPHENS. This one you speak of has been changed this month?

Mrs. GREY. Yes; for No. 3 on No. 5. This is not really the making of a new permit. This is the making over of an old permit rather than the making of a new permit. This is a substitute for the old permit.

Representative BURKE. Let her confine herself for a moment to the question of the allotments.

Mrs. GREY. That is the most important matter.

Representative BURKE. And tell us what the conditions are with reference to that.

Mrs. GREY. The permits contain the statement, all of them, that the lease is void as to the allotted lands; it is always so, I think.

Representative BURKE. That is what I thought.

Mrs. GREY. The Indians have been trying for a long time to get control of their allotments. Mr. Burke, you can remember when I first came before the committee in the House, about five years ago, when you and Mr. Stephens were both there, and that was the statement I made at that time as to the conditions on the reservation, and you introduced a resolution to investigate it.

Representative BURKE. Yes; I remember that.

Mrs. GREY. That same thing is going on still.

In No. 3 are these——

Representative BURKE. When you say "No. 3" you mean area No. 3 or district No. 3 or lease No. 3?

Mrs. GREY. District No. 3.

Representative BURKE. That is the west portion of the reservation?

Mrs. GREY. That is the west portion of the reservation and runs down to this portion here [indicating].

Representative BURKE. That is the portion about midway between the Big Horn River and the west line?

Mrs. GREY. And the west line.

Representative BURKE. And east to the Big Horn River?

Mrs. GREY. Yes. You see it is very well watered; it is not mountainous.

Representative BURKE. That is what you call "No. 3"?

Mrs. GREY. It is No. 3, and comes just about here and runs down the line. It contains probably more allotments than any other part of the Crow Reservation.

Representative BURKE. Can you tell us approximately how many acres are in that area?

Mrs. GREY. Four hundred thousand acres, I think. It is estimated very roughly in that way.

Representative BURKE. Is there a separate lease with somebody for that area?

Mrs. GREY. Yes.

Representative BURKE. And who is that lessee?

Mrs. GREY. At the present time it is Rea Bros.

Representative BURKE. When was that lease made and what were the terms of it?

Mrs. GREY. Their permit, I think, expired January 31, 1914, and they are just making a new permit, and they just now come to the terms on it.

Representative BURKE. What was the old lease?

Mrs. GREY. The old permit was for——

Senator LANE. How long and when did it expire?

Mrs. GREY. January 31, 1914. I will just read this letter——

Senator LANE. Can you not read the lease?

Mrs. GREY. This is the letter describing the lease, and it is approved by Assistant Secretary Adams [reading]:

Representative BURKE. When did that lease begin that that has reference to?

Mrs. GREY. That begun in 1911.

Representative BURKE. At what time in the year?

Mrs. GREY. It must have begun in June.

Representative BURKE. That is one of them that did not begin in February?

Mrs. GREY. This was the one that did not go with the other five leases. This was separate and expired at a different time and begun at a different time.

Representative STEPHENS. How long did it run?

Mrs. GREY. Three years.

Representative BURKE. Was there any collusion between this lessee and Bostwick, that you say dominate the reservation?

Mrs. GREY. There was at the time, but it was not apparent then. In the present permit it is apparent. The lease was made to Rea Bros., and Rea Bros. come from Forsyth and from St. Paul, and I have no proof that I can submit, although I know positively who they are. But of the present lessees, one is a practicing attorney in Omaha, to whom the lease is supposed to be made, and the other is David Zimmerman, in Pennsylvania, and those are the old B. Z. cattle, which I think you have a great deal of trouble about. You know who he is.

Representative BURKE. I know him.

Mrs. GREY. He is the surety. The lease is to McGee & Zimmerman; that is the new lease No. 3.

Representative BURKE. You started to make a statement about the area of No. 3 and described it and the number of acres, and you said most of the allotments were in there, and we asked you something else about when that lease was made, and you answered it was made in 1911, for three years, to Rea Bros., and that has expired?

Mrs. GREY. That has expired. I made the statement that Bostwick was really in control of the reservation.

Senator LANE. What was the matter with that lease which began in 1911 and expired in 1913?

Mrs. GREY. It went in at 50,000, and the estimate of the agent that it would carry 96,000. Sheep were not counted and no record was kept of them. If you read the bids, you will see one man, Mr. Rea, says he is bidding more than the thing is worth anyway, but "no matter what anyone else bid, he will bid \$600 more" and put in the extra \$600 for two years with his bid, because none of the outsiders knew anything about those thousands and thousands of acres of Indian allotments that they were getting for nothing.

Senator LANE. You mean, then, to say that in securing this land they would secure possession of other allotted lands to which they were not entitled and which—

Mrs. GREY (interposing). Yes; and of which other bidders were not supposed to have information.

Senator LANE. How much of that allotted land was there on this No. 3?

Mrs. GREY. I can not tell you on No. 3, because there was no way of knowing; but Agent Secht estimated, in a statement he made, that there were 2,300 such allotments in all, which would make about half a million acres of land, according to the estimate that Mr. Linnen and I made of it.

Senator LANE. On No. 3?

Mrs. GREY. No; on the whole reservation.

Senator LANE. What proportion of that would be on No. 3?

Mrs. GREY. Well, I should say probably about one-fourth of that would be on this No. 3.

Senator LANE. That would be about 125,000 acres?

Mrs. GREY. Yes; that they pay nothing for, nothing whatsoever.

Senator LANE. That is a serious charge and if you prove that it will show either gross negligence or criminality.

Mrs. GREY. I take a sentence out of this paper. It seems to be so confused—

Senator LANE. Just stick to that now, and follow that out. You have made an assertion; can you show that to be true?

Mrs. GREY. Yes; I can, if you will have patience and give me time to do it; but I will have to take a sentence out of one file and a sentence out of another letter, as you know.

Mr. LINNEN. I suggest that the information she is looking for possibly is not contained in that.

Mrs. GREY. It contains it, but not in such form as the committee wants it, but as a memorandum. (Reading:)

All allotments to be made with the advice of our agent, or such other person as the Secretary of the Interior may designate for that purpose upon our selection, heads of families selecting for their minor children, and the agent making the allotment for each orphan child. The title to be acquired by us, and by all members of the Crow Tribe of Indians, shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or his heirs or by the judgment, order, or decree of any court, nor subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of 25 years, and until such time thereafter as the President may see fit to remove the restriction, which shall be incorporated in each patent. (22 Stat., 36.)

Senator LANE. Now, you charge that this land was used—

Mrs. GREY. And is used at the present time.

Senator LANE. Given to Rea Bros. by the Indian Department?

Mrs. GREY. By the Indian Department.

Senator LANE. And they knew of this law, and in doing so they were criminally negligent of the interest of the Indians?

Mrs. GREY. That is exactly what I do charge; not only with respect to Rea Bros., but with respect to every single lease on Crow Reservation to-day—every one of the six.

Senator LANE. How are you going to prove that?

Mrs. GREY. On May 13, 1912, in an official document numbered "Indian Office files 41014, 1908, Crow, 321, Interior Department, United States Indian Service, contracts 14779, 12 grazing leases." I find this letter. This copy has been verified, but I can not locate it exactly in the files. I have picked this out from all over the files. I will read this series of letters, and I will afterwards verify it for the reporter.

Representative BURKE. You are reading from a reported copy?

Mrs. GREY. I am reading from a copy made at the Indian Office, as Mr. Linnen will remember, and I am not reading from the original, but it was verified from the original, so that you will get what is unquestionably the original. This letter is dated May 1, 1911 [reading]:

[Indian Bureau file No. 39559, 1911 Crow 321.]

MAY 1, 1911

Mr. W. W. SCOTT,

Indian Superintendent, Crow Agency, Mont.

MY DEAR MR. SCOTT: While I was in Omaha last week Mr. WILKS Spear and Mr. Frank M. Heinrich, lessees on the Crow Reservation, took up with Mr. Holcombe and me what they understood as a new leasing policy on the Crow Reservation. As I recall it, their statement of the case is briefly this: That you have approved several grazing leases covering individual allotments. They referred especially to one at least of 1,600 acres. The fence about this land, they contend, incloses a spring which heretofore has watered not only the stock of the Indians owning the allotments but also a number of other stock. They make the point that if this policy is continued, the capacity of the range will be very greatly depleted, and that they will have to decrease their herds, because there will be insufficient water; and also that there will be cause for friction, inasmuch as the stock on these allotments will break into the allotment pastures.

They make the point also, that by excluding Indians' cattle from the allotments where they have grazed and secured water in the past, it will cause them to drift out on the range, so far away that the Indians will be unable to look out for them; that in this way the leasing policy which they say you are adopting will tend not only to reduce the gross income from the tribal lands by forcing a reduction in the number of the head of stock grazed by them, but that it will tend to reduce the size of the Indian herds themselves. They also make the point that this policy will place on the reservation an inferior breed of stock and prevent the Indians from receiving the benefit from the high-class breeding animals, the use of which the Indians now enjoy.

Having no personal knowledge of the new policy to which they referred, and not knowing whether the office had approved the leases in question or not, I advised Messrs. Spear and Heinrich to take the question up fully with you on their return to Crow Agency.

Of course, if you have presented the matter fully to the office, and the office has approved your action, there will be nothing for you to do but to make such report as the facts warrant when the matter has been fully presented to you by these gentlemen.

I wish only in this letter to remind you of the very great importance of investigating fully all sides of the question before inaugurating any sort of leasing policy on the Crow Reservation. The office, as you know, is averse to individual able-bodied Indians securing their living from any sort of leases, whether farming or grazing leases, until they have made use of at least 40 acres of agricultural land or otherwise have become self-supporting by their own efforts. Of course it is not the business of the office to protect the lessees except in so far as equity and contractual rights demand, unless it is clearly shown that the welfare of the lessees and that of the Indians lie in the same direction. Of course, therefore, the only question for you to decide is whether the Indians as a whole will receive more or less real benefit from making grazing leases on individual allotments.

I have my own personal ideas about the proper policy to follow in this matter on all the western reservations, but the only one of my ideas I wish to express in this letter is that every Indian should be encouraged to fence and use his own allotment, whether for farming or grazing purposes, if he makes use of it himself.

I feel sure that whatever your final recommendation may be, it will be based upon a careful investigation of all the facts. I am sending a carbon of this letter to the office with the belief that your conference with Mr. Spear and Mr. Heinrich will result in a full understanding of the situation and that no important question will be raised which it will be necessary for the office to decide.

Yours, very truly,

F. H. ABBOTT, *Assistant Commissioner.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE.
Crow Agency, Mont., May 3, 1911

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Following my telegram of this date—"Please withhold approval of leases Hill family to Tompkins, recommended April 25; letters follows"—I have to report on those leases as follows:

These leases were approved by this office, as it seemed that George Hill, a competent Indian, who made those leases for himself and family, was getting a fair price for the land and was making an endeavor to improve his allotment by having the consideration, the fencing of his land. This seems to conform with rules issued by your office March 9, 1905, requiring that all leasing of unfenced allotments should have the provision for fencing, and it seems that it is also the idea of your office that Indians should be encouraged and urged at all times to improve and fence lands allotted to them.

Objection has been made to these leases and other similar _____ Spear and Heinrich, lessees of the open range or tribal lands, on the grounds that it fences up the water holes. In regard to this I would refer you to Assistant Commissioner Abbott's letter of May 1 to me after his conference with said gentlemen in Omaha last week.

To be more definite in regard to leases in question, I am inclosing rough plat of land. The leases made by the Hill family are 1463 to 1467 and 101; leases are also pending on 1594, 1595, and 1596, immediately south of Hill lands, with Charles Tompkins, the same man holding the Hill leases. If these leases are approved this block of land will all be fenced, and as all lands along the river are fenced, both north and south of these leases being farming lands, there is no way to the river for water in handling cattle.

On the Hill land allotment 1467 is a running spring, and the whole objection seems to be the fencing up this spring, as the lessees of the open range, Spear & Heinrich, wish this water in handling their stock when shipping.

The shipping corral and loading chutes are located on White Woman allotment. A lease is now pending with Mr. Spear to secure three years' use of White Woman and One Star allotments, in order that they may have an unfenced strip to the loading corral. I have suggested to Mr. Spear that he include the east 40 of White Woman allotment in his lease in order that he may have access to the river at that point.

The argument under present arrangements is that with the water on the Hill allotment fenced, the cattle will have to be thrown back 3 miles to Lodge Grass Creek for water; and by the time they are back to the corral they need water again, and that in shipping there are always Indian cattle with their own cattle, making the Indians as a tribe suffer along with them.

It appears from the tribal lease of Spear and Heinrich that the lease is void as far as the Indian allotments are concerned.

Following this argument it appears to be a question of whether the benefit of the tribe as a whole, through what cattle that may be with the said lessees' cattle at shipping time, will be greater than the individual rights of the Hill family in leasing the lands which ———— to them, and whether the Hill family in this instance are to be deprived of the rights as allottees, which have been granted to other Indians on the reservation.

I would respectfully request the consideration of these leases with the point of establishing precedent for future guidance.

Very respectfully,

W. W. SCOTT, *Superintendent.*

CROW AGENCY, MONT., May 3, 1911.

The COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: I am to-day in receipt of a letter from Assistant Commissioner Abbott, dated Denver, May 1, 1911, a copy of which was transmitted to your office by Mr. Abbott, in which he discusses the question of leasing allotted grazing lands. It appears that Messrs. Spear and Heinrich, who are lessees of unallotted grazing districts on this reservation, called the matter to his attention personally during Mr. Abbott's recent visit to Omaha.

Messrs. Spear and Heinrich are under the impression that such leases are a new departure and protest against them on the ground that as the allotments always cover watering places where possible, leases of this character, if made in great extent, will greatly decrease the value of the public range.

Commenting on this I desire to say, first, that we have not inaugurated a new policy. I find from the records of this office that such leases have been made for several years back; that the Indians have been allowed to lease their surplus lands under departmental regulations, whether agricultural or grazing. Able-bodied Indians are required to retain at least 40 acres of land for their own use.

Mr. Abbott speaks of the lease of 1,600 acres mentioned by Messrs. Spear and Heinrich as being of the objectionable class. This probably refers to groups of leases now under consideration. One by George Hill and family to Tompkins, and the other by Bright Wings et al. to Rosa Peters. These leases are subject of letters addressed to your office to-day, copies of which are attached hereto, setting out the facts in detail. We have not completed any leases of any considerable quantity of allotted grazing land up to this time.

There are two sides to the question raised. On the one hand the lessee or permittees who are paying for the privilege of grazing the unallotted tracts will suffer by the leasing of the allotted grazing lands; not only by the loss of the grass, but what is more important by being shut out in many cases from access to water. As stated above, in selecting allotments those embracing water supply are always secured where it is possible. Then, too, when small grazing

tracts are leased the lessee will almost invariably put on more stock than his holding will carry, depending on poaching on the open range for the deficiency. We have heretofore arbitrarily refused to sanction leases which we had reason to believe were of this character.

On the other hand, the Indians claim the privilege of leasing any lands which they can not use, and contend that they should not be required to allow them to lie idle in the interest of the cattle and sheep companies. The regulations contemplate such leases, and in the lease contracts of the cattlemen it is especially provided that "in case of the allotment of lands in severalty it is agreed and understood that this lease shall be void as to the lands so allotted."

From a legal standpoint it seems clear that the Indian may inclose and improve his entire allotment—the grazing as well as the agricultural lands—and he may do so either personally or by means of a tenant.

In our business dealings I have found Messrs. Spear and Heinrich entirely fair and reasonable. They are paying \$110,000 annually for their range, and I feel that it is only fair to afford them all protection consistent with proper regard for the rights of the individual Indian. All the members of the tribe share alike in the benefits of the lease mentioned, and if the ranges are reduced by reason of these small grazing leases all would suffer alike, while a very few comparatively would be benefited.

I do not apprehend that the objection urged by Messrs. Spear and Heinrich, that the cattle belonging to the Indians would be scattered, is well taken. The grazing allotments are not fenced and are not occupied by the Indians, consequently are not their grazing headquarters. The "I. D." cattle, if they have any headquarters at all, are looked after from the agricultural land occupied by the owners and not adjacent to the grazing lands. It is possible that a deterioration in grade would result from the introduction of inferior stock by the small lessees.

On the whole I conclude that we should exercise our discretion in the matter of approving leases involving the allotting of grazing lands, and that such contract presented should be carefully scrutinized and should be approved where it is apparent that it will depreciate the value of the range, while those which apparently would have that tendency be disapproved in the interest of the tribe as a whole. We would be pleased to receive such instructions as your office may deem proper.

Very respectfully,

W. W. SCOTT, *Superintendent.*

[Indian Office file 41014, 1908. Crow 321.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., May 13, 1912.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In connection with the re-leasing of the Crow grazing ranges next spring, and for which advertisements will soon be published, I desire to suggest that advantage be taken of the opportunity to eliminate the vexed question as to the leasing of allotted grazing lands. There are on this reservation about 2,300 such allotments, ranging in size from 40 to 240 acres. Generally family selections lie together, while the agricultural allotments of the same family are situated at distance so great as to render the use of the two together impracticable. About a year ago the Indians very generally conceived the idea of leasing their grazing lands in groups of allotments, ranging from 1,000 to 2,500 or more acres, to stockmen from the outside, generally from Wyoming, who proposed to inclose the whole under one fence, thus inclosing the water along the streams on which the allotments are located. One such lease was executed last year before its pernicious character was realized, and was the subject of a protest by Messrs. Spear Bros. and F. M. Heinrich, lessees, to Assistant Commissioner Abbott, on the occasion of Mr. Abbott's visit to Omaha last year. The correspondence on the subject will be found in your files.

The situation is this: If these leases are allowed they will absorb all the water now available and the large tribal lessees will be forced to retire, and in their stead we will have to deal with some scores of small operators, who will use the allotments for a base and forage over the entire range.

After the most careful consideration, with a minute knowledge of the situation and having in mind the good of the tribe as a whole, we conclude that our present practice of refusing to permit leases of the character mentioned is the most nearly equitable arrangement. It is, however, not entirely satisfactory to the Indians, although generally accepted by them, and we may expect applications from time to time to be allowed to make such leases. The suggestion of paying grazing rental to the owners who have such allotments, in addition to their share of tribal lease funds, has been considered and appears to be open to very serious objection, among which is the enormous amount of work which the arrangement would entail. About 700 of the 2300 allotments are now "dead Indian lands," and in all of these hearings would be necessary in order to determine the heirs to whom the rental would have to be paid, frequently in sums so small as to be out of all proportion to the work required. Investigation would be necessary to determine whether each specific tract was or was not fenced. Whenever a tract was fenced a new apportionment would be necessary, and an individual account would be required for nearly every member of the tribe.

As stated above, in a vast majority of cases, the grazing and agricultural allotments are not contiguous and can not be used together, as a very general rule the grazing lands are not fenced or used in any way by the owners. This was, of course, apparent at the time of allotment and it would seem that the idea then had in mind was that these lands should be set aside as an asset rather than as a part of the farming or stock-raising equipment, hence we do not feel that any special injustice is done the allottees by refusing to allow them to fence off a part of the range to their own small personal advantage and to the great disadvantage of the tribe as a whole. No Indian uses his unfenced grazing lands for his own stock but uses the open range. If he is allowed to lease his land his stock must feed on the tribal lands to which he contributes nothing.

It is impossible to formulate a system which will work exact equity to each individual member of the tribe; and, therefore, we must resort to that which will result in the greatest good to the greatest number. In the judgment of this office the best and most practicable arrangement would be to have it understood that the large grazing permits include the allotted grazing lands which are unfenced. With this understanding the lessees would be willing to pay a higher rental, being assured that the water which is now open and available, would remain so during the term of their lease. An order from the department, prohibiting the leasing of grazing allotments, especially in groups, which is practically the only way in which they can be leased, during the life of the tribal leases, would be accepted and acquiesced in by the whole tribe, and would settle the question permanently and satisfactorily.

It is respectfully recommended that the matter be given consideration with a view to the issuance of such an order.

Very respectfully,

W. W. Scott, *Superintendent.*

(Carbon copy to Mr. F. H. Abbott, assistant commissioner.)

MAY 27, 1912.

Mr. W. W. Scott,
Superintendent Crow School.

SIR: The office has received and considered your letter dated May 13, regarding the leasing of individual grazing allotments within the limits of the tribal grazing districts on the reservation under your supervision. In connection with the leasing of the tribal pastures, your judgment is that the most practicable arrangement would be to have it understood that the large grazing permits include the allotted grazing lands which are unfenced and you recommend the issuance of an order by the department prohibiting the leasing of grazing allotments, especially in groups during the life of the tribal leases.

Under the terms of the existing leases and permits covering the lands in question, all unused and unleased individual allotments (not separately fenced) are included, the proceeds going into the tribal fund. At a hearing in this office on March 27, 1912, a delegation of Crow Indians to whom the questions of the grazing policy were submitted voted in favor of continuing the present system (only one voting in the negative), and voted unanimously in favor of putting up the leases for competitive bids.

On May 1, 1912 (34781-1912), the department authorized the publication of advertisements calling for bids for grazing privileges under the leasing system on districts Nos. 1 to 6, inclusive (except No. 3), for a three-year period beginning February 1, 1913. The bids are to be received until 2 p. m. June 24, 1912, at the Crow Agency, and immediately thereafter opened and forwarded to this office, with appropriate recommendations, as per the approved form of proposal, a supply of which was sent you for distribution.

In view of the foregoing and the conditions reported by you, this letter will be your authority for prohibiting leasing of individual allotments for grazing within the territory embraced in the tribal grazing districts during the terms of the leases and permits now in effect or that may be hereafter approved. It is believed that this procedure is best for the interests of the tribe as a whole and that the Indians will readily acquiesce and conform thereto. You will please make the order known to all interested parties, and especially acquaint prospective bidders for tribal grazing privileges with its purport, to the end that the best possible offers may be obtained.

Every effort should be made, however, to encourage the Indians to fence their grazing allotments for the use of their own stock.

Respectfully,

F. H. ABBOTT, *Assistant Commissioner.*

MAY 24, 1912.

LAND DIVISION:

A paragraph should be added to this letter stating that every effort should be made, however, to encourage Indians to fence their grazing lands within the pastures for the use of stock owned by the Indians themselves, but where an Indian fences his individual grazing land he should not participate in the income to the tribe from grazing.

F. H. A., *Assistant Commissioner.*

The Hill leases have since that time been approved, Mr. Tompkins being the lessee. It will be found on investigation, however, that Mr. Tompkins had made his peace with Spear Bros. and Heinrich, in that he now pastures their thoroughbred yearlings.

There are very many stockmen living adjacent to Crow Reservation who make offers to the Indians and formally to the Indian Bureau like the following.

Further reply to these letters has been made in the following order:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., January 3, 1914.

Circular letter to the farmers, Crow Reservation, Mont.:

Your attention is again called to the matter of informal contracts being made with Indians of the Crow Reservation whose lands are held under trust patents. It appears it has been the custom of a great many Indians on the reservation who are trust-potent Indians but feel that they are competent to handle their own affairs to make contracts themselves with outside parties for the leasing of their lands for grazing purposes. By this method a great many small stockmen have introduced cattle on these allotments.

You are directed to give this matter your special attention and see that no stock is introduced on the reservation under contracts or leases of this kind.

This matter has been the subject of considerable correspondence with the Indian Office, and we are in receipt of a letter, under date of December 19, in which I quote as follows:

"In view of the conditions now reported, you are instructed to invoke the authority previously given you regarding this matter and to prohibit the leasing by allottees their allotments in groups for grazing purposes. You will take prompt action in all cases of this character that may come to your notice and cause to be removed from the reservation any stock belonging to the outsiders found grazing without proper authority, reporting the facts to the office."

A short time ago we sent you loose-leaf binders in which we placed leaves, giving a description of leases made in your district. As fast as new leases

are made extra leaves will be sent you for insertion in this book, thus you will be kept posted in regard to all leases made in your district.

It has been the custom for people living on the reservation to make a contract with an Indian to cut his hay for a share of it and then contract to bring his stock on the land to eat up the hay. This is, in reality, the method to get around making a formal lease with this office and yet secure the grazing or grass for cattle which have no right on the reservation.

As more and more land is being sold on the reservation the percenting of informal leases and informal contracts with Indians, who wish some ready money, is becoming more difficult, but for the protection of the Indians and the lessees the making of informal leases must be stopped.

You are directed to report immediately to this office all cases in your districts in violation to the above instructions.

There are a great many mixed bloods and full bloods who feel that they are competent to handle their own affairs and yet they wish to hold their land under a trust patent in order to avoid the paying of taxes. These parties, if they wish to make their contracts and handle their own business without reference to this office, should at once make application for a fee patent to their allotment.

You will inform all such parties in your district whose land is still held under a trust patent that no informal leases shall be made on trust land and no leases of any kind made without the approval of the superintendent. The making of contracts with trust-patent Indians without the approval of the superintendent is unlawful and in violation of the act of June 25, 1910.

The above instructions in no way affect the leasing of farming lands, except, that they must be made through this office with the approval of the superintendent, and each able-bodied Indian is required to keep at least 40 acres of his farm land for his own use. Please publish the substance of this order among the Indians.

Very respectfully,

W. W. SCOTT, *Superintendent.*

This correspondence shows an entire change of heart on the part of Agent Scott. The following letter will show the influence that was brought to bear to bring this change of heart:

LODGE GRASS, MONT., *May 6, 1911.*

DEAR MR. ABBOTT: Mr. Spear and myself had a meeting with Scott, and after thoroughly discussing the matter Mr. Scott admitted that he thought to lease the choicest tracts out of the grazing districts would work harm to the Indians as a whole. And that no more such grazing leases would be made.

Also, that he had called off the Peters-Waisner sheep lease and had ordered the sheep off.

Mr. Scott is a very conscientious man and absolutely on the square. I find that he wants to do the right thing by both the Indian and the lessees. And those are the kind of men needed in his position.

Hoping to meet you here next summer, and with very best wishes,

Very truly,

F. M. HEINRICH.

NOTE BY HELEN GREY.—They did go hunting and have a good time.

This change of heart on the part of Agent Scott began immediately after the receipt of this letter. At the present time it results in removing from Indian allotments lessees whose leases have been heretofore permitted and whose money has been paid in advance. There is a rule of the Indian Bureau that competent Indians may sign leases for themselves and for their children. These competent Indians are nevertheless included in this sweeping order of Agent Scott that the stock must be removed in the middle of the winter, even though the rent has been paid in advance and the hay purchased. The Indians are too poor to repay what they have had in advance. The transaction leaves the Indian further discredited, and further kills any remaining opportunity that he may ever be

permitted to do business as the law permits him to with his white neighbors.

Senator LANE. Right there I will state to Mr. Burke that that was complained of by the Indians, that they were not allowed to fence their own individual allotments, for the reason that it interfered with the grazing privileges of the lessee.

Representative BURKE. Who signed that?

Mrs. GREY. W. W. Scott, superintendent.

Representative BURKE. That man has a pretty good idea of the situation, I think, do you not?

Mrs. GREY. How?

Representative BURKE. As I understand it, he recommends that the Indians' allotments be permitted to be used by the lessees, and unless you do it is going to cause confusion and dissatisfaction, and from an equitable standpoint the Indians have all shared pro rata in the proceeds of these leases.

Mrs. GREY. No, sir; they did not share in the proceeds.

Representative BURKE. How did they share?

Mrs. GREY. In the first place, the entire fund this last year was expended by the agent, contrary to law. The Indians did not get a dollar of it last year. They got no annuity fund. So it does not really come back to them anyway at all. More than that, it is contrary to law, because the allotments are all made on Crow Reservation, with the restriction in them that they are not subject to lease, alienation, or taxation.

Representative BURKE. What does an allotment consist of up there?

Mrs. GREY. Three hundred and twenty acres.

Representative BURKE. What is it—320 acres of grazing land?

Mrs. GREY. Grazing 160, and agricultural 160 acres. Mr. Burke, just consider a moment: He calls this "grazing land." At the same time he says "fencing off the water." They do not put grazing allotments on the water, do they?

Representative BURKE. I do not know what the conditions are on this reservation.

Mrs. GREY. They certainly do not. This includes all of the land that the Indians have got on Crow Reservation.

Senator LANE. The Indians say, and the lessee does, too, that if the Indians were allowed to fence these lands and make use of them themselves, or to rent them to somebody else, it would keep the lessee from having access to the water. They must have water.

Mrs. GREY. They can not possibly be grazing lands, and they are not.

Senator LANE. It is all creek bottoms?

Mrs. GREY. That is exactly what it does include.

Representative BURKE. If you were to lease all of those allotments along the streams, and fence them off, as suggested, then you could not lease the divides at all to anybody.

Senator LANE. How is that?

Representative BURKE. You could not lease the lands away from the streams—the "divides," we call them.

Senator LANE. Maybe not.

Representative BURKE. Nobody would lease them.

Senator LANE. There were offers to lease a number of them, from small cattlemen—to lease them seriatim.

Representative BURKE. He makes the statement against that, that if that is permitted the lessee of the 320 acres, for instance, would range his stock on the tribal lands.

Mrs. GREY. Yes; but he does not do it.

Senator LANE. And the large lessee did not want that done, and neither did the agent, but the Indian did want it done; if that was done he would get the money for the use of his lands.

Representative BURKE. On the basis of these leases he would not get much for 320 acres.

Senator LANE. He would get something; if it was only 10 cents, he would get the dime. In this way he did not get anything, for the reason that the money was expended in irrigation schemes, and he again claims he did not get the use of the water. They took the water from them, and he lost all around.

Mrs. GREY. I have been examining the accounts, and I find they spent money for everything on the face of the earth except for the Indians.

Senator LANE. You see the money is expended, not for the support of the Indians, it seems, but is expended for irrigation schemes, with the result that while there was \$48,650 received last year from Heinrich and something from the others, the Indians went hungry and were eating potatoes and flour mixed up with water, and they do not like the proposition.

Mrs. GREY. They are actually dying of starvation on the reservation.

Senator LANE. And all this money coming in and an annuity besides, and they go hungry; it is the general complaint.

Mrs. GREY. It comes right down to the question—

Representative BURKE (interposing). Do you think we can make any investigation of the Crow Reservation unless we go onto the ground?

Senator LANE. I do not know whether you can or not. You can begin here and then go on the ground, but if you neither begin here nor go on the ground, you will not get anywhere. We are not getting very far now. We are scattering too much.

Mrs. GREY. Are you satisfied to include in the Indian leases the individual allotments, and let the Indians starve to death?

Senator LANE. No.

Mrs. GREY. The lessee does not pay a cent for them. Including them in this way, as has been done for years on the reservation, brings about that the reservation is reserved for the big lessees and not for the Indians.

Representative BURKE. You have been making an argument that sustains my contention that you can not have these leases in any way that will amount to anything without creating dissatisfaction and confusion.

Mrs. GREY. I do not think they can, either. But certainly if it is an Indian reservation, it should not be a reservation for the lessees before the Indians. As it is now it is a reservation for the lessees, because the authority was granted by Mr. Abbott.

Senator LANE. Put this in the record: I will say this for the information of the commission: There were individuals who offered to lease this land and fence it and pay cash rental for it, and also

to buy such hay as the Indians raised upon the better portion of it, down in the flat near the water, at the rate, I think, of \$6 a ton, was it not?

Mrs. GREY. Eight dollars a ton.

Senator LANE. Six or eight dollars a ton.

Mrs. GREY. Eight dollars a ton and fence the Indian's land.

Senator LANE. Eight dollars a ton and take all the hay that he would raise, and that offer was submitted to the agency and to the department here and refused.

Representative BURKE. Simply because they never made such a lease with which they did not have trouble, because they will not confine their stock to the leased land.

Mrs. GREY. The big lessee does not confine his stock. That is the great trouble. We have had testimony to that effect. I have seen it myself on the Crow Reservation. The lessee, if he wants to go on the other side, will cut the fence and go right through.

Representative BURKE. That is the reason why they should not be there.

Mrs. GREY. I do not think they should be there; I think the reservation should be for the Indians.

This is a letter written to the Indian Bureau, a copy of an application for a lease that was sent to Senator Lane [addressing Senator Lane]. They sent you the copy of the application and the application was sent to the Indian Department and that is in here [indicating other papers], but this is the copy that was sent to you.

Senator LANE. Is that the original?

Mrs. GREY. The original is in with all of the files. It is up here. I do not think I have got it here to-night.

Senator LANE. Read that.

Mrs. GREY. Mr. Linnen has seen this original [reading:]

LODGE GRASS, MONT., *November 26, 1913.*

To the Senators of Indian Affairs.

We Indians want to lease our land to John H. Booz. We have 840 acres, all fenced grazing land. He will give us 20 cents per acre for it by the year for five years. Please help us as we are so bad in need of money to get us something to eat. Our cattle are gone with Heinrich and we can not find them.

Mr. John H. Booz said he would give my father work in the spring at \$40 per month.

Mr. Booz said my father is pretty fair hand with cattle or stock of any kind.

My father has worked for Booz and he gave him \$2 per day to help him ship his cattle, and he says Booz is honest with us.

Your friend.

MR. SCRATCHESFACE.
MRS. SCRATCHESFACE.
NELLIE SCRATCHESFACE.

Mrs. GREY. This is one lease that was recently made by the Indians themselves. It is a mighty good contract for fenced land. They are not permitted to use this land. Heinrich is using it to-day, and they can not get a dollar for it—840 acres. I have been on that range myself.

Here is another one [reading]:

WYOLA, MONT., *December 13, 1913.*

THE COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

DEAR SIR: I hereby request your consent to lease to Mr. John Booz allotments belonging to myself and family for three years (description of allotments attached). Mr. Booz agrees to pay me 20 cents an acre for all of land he

pastures, and agrees to pay me market prices for all of the oats I can raise at the granary, and \$6 per ton for all the hay I can put up. He will pay \$30 per month for my team to feed the stock. My land is all fenced with three wires. Mr. Heinrich does not lease my land, and Mr. John Booz has made a good offer for my pasture and I want him to take it as soon as possible. I want him to pay the lease money direct to me and not through the agent, as I need the money badly for the winter.

Yours, truly,

LITTLE (Little Nest's mark) NEST.

Township No. 9 south, range 33 east.

892 Little Nest has lots 2, 3, 4, and the S. half NW. sec. 1, also lots 1, 3, 4, sec. 2, R. 9 S. 33 E. 894 Mary Little Nest has lot 1, sec. 1, 9 S. 33 E. 896 Killed the Sorrel Horse Rider has the S. half N. half sec. 2, 9 S. 33 E. 895 Pretty Enemy has the N. half SE. and the NE. SW. sec. 2, 9 S. 33 E. 890 Bull Goes Hunting has the SW. and the W. half SE. sec. 1, 9 S. 33 E. 893 Mary La Forge has the S. half NE. sec. 1, and lot 2, sec. 2, 9 S. 33 E. 891 One Buffalo Calf has the E. half SE. sec. 1, 9 S. 33 E.

Mrs. GREY. He was refused.

Senator LANE. Who was that?

Mrs. GREY. Little Nest. This Little Nest has been in such desperate straits this winter that one of the babies of his family, a niece, died, as a direct result of having nothing to eat, and yet they own this splendid piece of land, have it all fenced, and Heinrich uses it all winter, and he has not paid one dollar for it.

Representative BURKE. Let me ask you right here in regard to this case: How does Heinrich get his cattle onto this land that is fenced?

Mrs. GREY. He cuts the fences. Mr. Booz, you remember how he testified, that he had seen the wire cut and rolled back. You will find it all over the reservation—go any place you like.

Senator LANE. The Indians made the charge that they cut the fence, and a big bunch of cattle would go through, and that it did not take long to clean up the grass and destroy the hay.

Mrs. GREY. And if an Indian was holding his cattle on his own range his cattle would go with the lessees.

Senator LANE. And if he had any cattle in there they went out with those of the lessee.

Mrs. GREY. Yes. The question is, Are you going to hold the reservation for the lessee or the Indians? The Crow Reservation should be held for the Indians and not for the lessees. I do not know what the income of that reservation may be. It is something enormous. Nevertheless, the Indians are actually dying of starvation and want to-day. They are huddled in tents. They are unable to get onto their allotments; they have practically no cattle and no horses; they are subjected to every form of persecution from these big lessees that can be conceived of. They are subject to arrest by the lessee. The employees of the lessees go around with their guns and everything of that kind.

Here is another one, signed by Rosa Peters. She begins her letter [reading]:

WYOLA, MONT., December 8, 1913.

Mrs. HELEN GREY.

MADAM: I am sending you a copy of our letters to you to Secretary Lane and Commissioner Sells. We hereby request your consent to lease allotment Nos. 1289, Mrs. Rose Peters, 320 acres; 1290, Arthur Peters, 156.94 acres; 1291, Elsie Peters, 160 acres; 1292, George Peters, 156.98 acres; 1293, Alice Peters, 160 acres; 1294, Eunice Peters, 157 acres; 1295, Ernest Peters, Louise Peters, 147 acres.

Mr. John H. Booz agrees to pay us 20 cents per acre for all the land that he pastures and agrees to pay us market price for all the oats we can raise at the granary and \$6 per ton for all the hay we can raise, and agrees to pay us \$5 per day for our teams to feed said hay.

Mr. John Booz agrees to put a good 4-wire fence and posts and take out of lease money to pay for fence, till paid for, so much each year till the fence is paid for.

We will say in regard to Mr. John Booze, he is a practical business man; he knows what he is talking about. Had it not been for Mr. Booz quite a number of us people would have suffered a great deal more than we have.

We have been doing business with Mr. Booz for several years. We find him strictly honest.

Mr. F. M. Heinrich has refused time and again to buy our hay and pasture for several years, and the only way in which we can make a living is off this land. The allotment of Mrs. Rose Peters and family are fenced with a 3-wire fence.

We request that the money for the land be paid to us; not to Supt. W. W. Scott.

This allotment is found in township No. 8 south, range No. 55 east, allotment No. 1293, township No. 8 south, range No. 34 east meridian.

(Signed) ROSA PETERS.

Mrs. GRAY. That was turned down. The family lived all winter in a tent and had absolutely no means of support whatsoever.

Here is another one that was sent to me [reading]:

WYOLA, MONT., *December 8, 1913.*

Mrs. HELEN GREY.

MADAM: I am sending you the copies of the letters we are sending to Secretary Lane and Commissioner Sells.

We hereby request your consent to lease allotment Nos. 936, Young Wolf; 934, Mavis Bright Wing; 935, Mustle Bright Wing; 930, Bright Wing; 932, Sings on the Horse; 931, Horse Stay all the Time; 931, Maria Bright Wing.

Mr. John H. Booz agrees to pay us 20 cents per acre for all the land that he pastures, and agrees to pay us market price for all the oats we can raise, at the granary, and \$6 per ton for all the hay we can raise, and agrees to pay \$5 per day for teams to feed said hay.

Mr. John H. Booz agrees to put up a good 4-wire fence and post and take out of lease money, to pay for fence till paid for, so much each year till paid for.

BRIGHT WING.

Mr. F. M. Heinrich refused to buy our hay for a good number of years.

We have never received anything for the use of those lands.

We request that the money be paid to us for the land and not to Supt. W. W. Scott.

WYOLA, MONT., *December 8, 1913.*

Mrs. HELEN GREY.

MADAM: I am sending you a copy of our letters to you to Secretary Lane and Commissioner Sells.

We hereby request your consent to lease allotment No. 1291, Mrs. Jennle Martinez.

Mr. John H. Booz agrees to pay us 20 cents per acre for all the land that he pastures, and agrees to pay us market prices for all the oats we can raise, at the granary, and \$6 per ton for all the hay we can raise, and agrees to pay \$5 per day for our teams to feed said hay. Mr. Booz agrees to put up a good 4-wire fence and posts and take out of lease, to pay for fence till paid for, so much each year till paid for.

Mr. F. M. Heinrich refused to buy our hay for a good number of years. We have never received anything for the use of those lands.

Mrs. MARIA BRIGHT WING.

We request that the money for the land be paid to us and not to Supt. W. W. Scott.

This allotment will be found in township No. 8 south, range No. 34 east.

Mrs. HELEN GREY.

WYOLA, MONT., December 8, 1913.

MADAM: I am sending you copy of my letters I am sending to Commissioner Sells and Senator Lane.

We hereby request your consent to lease allotment No. 1291, Elsie P. Caire, Rosaline Caire, Clarine Caire, and Elsie Caire, 160 acres.

This land is selections for my children. Mr. John N. Booz agrees to pay us 20 cents per acre for all the land that he pastures, and agrees to pay us market price for all the oats we can raise, at the granary, and \$6 per ton for all the hay we can raise, and agrees to pay us \$5 per day for teams to feed said hay.

Mr. John Booz agrees to put up a good 4-wire fence and posts and take out of lease money to pay for fence till paid for, so much each year till fence is paid for.

Mr. F. M. Heinrich has refused to buy our hay and pasture twice and again for several years, and the only way in which we can make a living is off this land.

We request that the money for the land be paid to us, not to Supt. W. W. Scott.

Allotment found in Township No. 8 south, range 34 east, meridian.

ELSIE P. CAIRE.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., November 6, 1913.

Miss ROSE PETERS, Wyola, Mont.

DEAR MISS PETERS: I have yours of the 6th instant, in which you say you wish to lease to John Booz your lands, and wish to know whether it will be all right or not. In reply, I have to state that this lease will have to be made through this office, and as to whether it could be approved by this office will depend upon what use Mr. Booz wishes to make of the land. If Mr. Booz wishes to farm this land, or an amount enough to make a farming lease, we will be very glad to make the lease for you, but any stock proposition wherein there would be danger of stock running on the outside ranges could not be approved by this office.

Very respectfully,

W. W. SCOTT, Superintendent.

Mrs. GREY. That was also turned down. It was all fenced, and so it goes on. And there are a good many thousand acres here that were covered this way. None of them were permitted to occupy them and none of them were permitted to use their land, because they had nothing that they can use them for. None of them have any cattle, and the land lay there and Heinrich used it and paid nothing for it.

Now, in this No. 3 lease, which has been in existence a long time, I have got the section map showing the allotments that are included in this lease No. 3, for which nothing whatsoever is paid. You can look at this [referring to map] and you can see at a glance what is there. That is nearly all allotted [indicating].

Representative BURKE. That represents a township?

Mrs. GREY. Each square represents a township. They are in that lease.

Here is another one: You see here is the Big Horn River [indicating], and all that is in the lease and all covered by the allotments. Here [indicating] is the same; that little corner is in the lease; it is all covered by the allotments. This [indicating] is in the lease. Then that is in the lease. You see, that is all covered by the allotments. This whole thing is in the lease. It is all in the lease from there [indicating] west. These are not grazing allotments at all.

Representative BURKE. The lease covering the area included in the townships, for which you have plats, show lands that are allotted in each township expressly provides that the lessee does not have the right to use the allotted lands, does it not?

Mrs. GREY. It does.

Representative BURKE. Your contention is that that is not in force, and, as a matter of fact, the lessee does use the allotted lands, and the Indian Department refuses to allow the allottee to receive any direct benefit from the leasing of his allotment?

Mrs. GREY. Yes. And you can see from these plats that practically or nearly all of No. 3 is allotments.

Senator LANE. How many plats have you there and what are they numbered? Is there anything about them to identify them?

Mrs. GREY. Yes. I went over them all to-day, and Mr. Keating was with me.

Representative BURKE. How many townships are there?

Mrs. GREY. These are the townships on this paper [indicating].

Mr. KEATING. I think there are 12 townships in this lease.

Senator LANE. About how many allotments have you here?

Mrs. GREY. It is very hard to figure them out. In the first place, not all of the allotments are on these papers.

Mr. KEATING. There are more than 40 or 50.

Mrs. GREY. Oh, yes. You have that many right here. All of these are in it. Those are not grazing allotments.

Mr. KEATING. Township 6 range 31 east. In this township there are about 10 full sections of land allotted. Township 1 south, range 30 east, contains about 14 sections. Those are not marked on this particular map, Senator.

Mrs. GREY. No. In looking up the agricultural list, you remember, Mr. McBride, we frequently found they were not on this [indicating]. There was nothing there to show it.

Mr. McBRIDE. Yes.

Mr. KEATING. Township 3 south, range 33 east, contains about 8 sections. Township 2 south, range 33 east, contains about 17 sections. Township 3, range 32 east, contains about 19 sections.

Senator LANE. Have you shown on these plats here that they are entirely separate, each township, which contains allotted lands and which it is contrary to the law to lease?

Mrs. GREY. I have the law here.

Senator LANE. They have been leased and the lessees have had the use of this for how long?

Mrs. GREY. I suppose for 20 years.

Senator LANE. Without paying anything?

Mrs. GREY. Not a dollar.

Senator LANE. And do you claim that the Indian has been denied the use of it for his benefit in any way?

Mrs. GREY. In any way whatsoever.

Senator LANE. And, in the meantime, he has been going down hill in a financial way and his health has been deteriorating?

Mrs. GREY. In every way.

Senator LANE. And you are making these claims, which you are able to substantiate with these maps?

Mrs. GREY. And with the applications for these allotments and the refusal of them.

Senator LANE. That is one of the charges which you wish to make?

Representative BURKE. She does not claim they are leased.

Senator LANE. I beg your pardon.

Representative BURKE. She has not claimed they are leased; on the contrary, she claims they are excluded specifically from the leases, but the lessees are, in fact, permitted to use them against the protest of the allottees.

Senator LANE. You are right about that.

Representative BURKE. And in that connection I would like to make this suggestion: Mr. Linnen, as I understand it, states that in the new leases it is proposed to eliminate such condition.

Senator LANE. We were not going into that.

Representative BURKE. I know, but I want to make a statement in reference to it. I would rather discuss it some time when Senator Robinson and Senator Townsend are here, because they are both lawyers. The Department of the Interior, in my judgment, can not make a blanket lease for allotted lands without the consent of the allottees, and if they propose to make a lease and eliminate the allotments—that is, include the allotments—they can not make a valid lease under the law.

Mrs. GREY. I have said that for 8 years.

Senator LANE. That is Mrs. Grey's contention.

Representative BURKE. Because the allottee has a vested right that Congress has not the power to disturb or affect by legislation without his consent.

Representative STEPHENS. I would like to make a statement along that line that the complaint seems to be here that these lessees go onto the allotted lands and cut the fence down and use the land without the consent of the Indians. Now, each one of those Indians would have a cause of action against the lessee and criminal and civil action for damages, and the courts are open to them, and it is the duty of the agent at that place to see that the Indians' property is protected, and these men having given bond for the purpose of carrying out the leases would be responsible both civilly and criminally, and I do not see any reason why these suits have not been brought. I understand the agent has been removed or will soon be removed, and there will be no cause for any action on the part of the commission that I know of that will affect this matter. These leases have run out.

Mrs. GREY. No; they are still going on.

Representative STEPHENS. Some of them are in effect—only one?

Mrs. GREY. Six of them. All of them are in effect with that provision, and you have now made the contention I have been making ever since I have been here in Washington.

Representative STEPHENS. Has there never been any attempt made to prosecute these lessees?

Mrs. GREY. Not a single one.

Representative STEPHENS. Whose stock has destroyed the hay?

Mrs. GREY. All the lessees' stock. And here is the statement made by Indian after Indian that the lessee refuses to buy his hay, and you go up there to-day and you will find the lessee refuses to buy. It is in his lease contracts not to sublease, and if he does sublease, that his lease is forfeited, and he subleases right in the face of the Indian. We found in the accounts of the committee, you know,

how they ship. Here will be the account of an Indian steer being shipped by John Kendrick from Wyola on the reservation. John Kendrick must be shipping from the reservation. Then there will be another one by Dana, and he must be shipping from the reservation, and he is not a lessee.

Senator LANE. Then, I understand you to say that it is against the law for the Government—

Representative STEPHENS. For the lessee or anyone else to go inside the allottee's fence for any purpose, and if he does, that there is cause of action, both civil and criminal against him.

Senator LANE. And it has been done, and yet there has been no action taken, and in consequence the Indian has been deprived of an opportunity to support himself, and in consequence has suffered to the extent that has caused death. Is it not within the function of this commission to investigate that?

Representative STEPHENS. We will investigate it, so far as that is concerned, but the leases having expired and nothing having been done with it, what are we going to do?

Mrs. GREY. The leases have not expired.

Representative STEPHENS. And then we could reach the parties through the courts. How could this commission carry into effect any decree we might make?

Mrs. GREY. What I have always wanted, Mr. Stephens, was for this commission to take cognizance of those things and ask the department to prosecute them.

Representative STEPHENS. Is not that the duty of the department and not the duty of Congress? We have no jurisdiction of that.

Mrs. GREY. We have been taking it up with the department for a good many years, and I am the only "criminal" they have ever been able to find.

Representative STEPHENS. They could be prosecuted in the court of appeals.

Mrs. GREY. I have appealed elsewhere. I will go further than that, that they can not lease the allotments, and neither can they make the big tribal leases without the consent of the tribe. There is not a lease on the Crow Reservation that is valid, for here is the law. Here is a quotation from the Statutes at Large, page 44, and this is the only authority for leasing the lands on the Crow Reservation [reading]:

Third. That if at any time hereafter we, as a tribe, shall consent to permit cattle to be driven across our reservation or grazed thereon, the Secretary of the Interior shall fix the amount to be paid by parties so desiring to drive or graze cattle; all moneys arising from this source to be paid to us under such rules and regulations as the Secretary of the Interior may prescribe.

(The above from 22 Stat., 36.)

Mrs. GREY. It has always seemed necessary, for some reason, to get what appears to be the consent of the tribe. The Indians, in fact, have protested in every way they know how, against these leases. The law says they must consent.

Senator LANE. They have appealed to the Indian Bureau, and the Interior Department for relief, and not having secured it, they are now appealing to Congress, through this commission, to see whether Congress has any power within its reach which will afford them relief, or point out some way by which they may get relief.

If they can not get it here—this is the court of last resort—they are certainly in a deplorable condition.

Representative STEPHENS. I am sure that the department will take this matter up and see that these corrections will be properly made, and see about all these agents, and if the agent has been derelict, there is nothing to do but let him be removed, or some investigation made, or put a proper man in his place.

Representative BURKE. It appears from this record that the department was approving this method in these leases?

Representative STEPHENS. Yes.

Mrs. GREY. When Superintendent Scott went there, he immediately approved one of these leases, as a matter of course, to let them have the land. Spear and Heinrich immediately were in council in Omaha with Mr. Abbott and Mr. Holcomb. The result was that Mr. Abbott wrote Mr. Scott to withhold the approval that he had already mailed to Washington. Mr. Scott then wired to Washington to withhold that approval, and wrote a very indignant letter, and said the Indians were absolutely right in making those leases, and that it was unjust to the Indians to make them any differently. That letter is included in this record.

Representative BURKE. Of course, whenever you enforce the terms of such a lease as Mrs. Grey has described, you will not make any leases except such leases as may be made by individuals of desirable allotments. It means that much of the reservation will go probably unleased.

Mrs. GREY. No; on the contrary, Mr. Burke, the grazing lands around the reservation are so scarce that right across the border—here will be the line of the reservation—they pay 50 cents an acre, while on the reservation they pay 5, and less. If the Indian lands were thrown open to lease, so that the settlers who live around could get onto this reservation they could help the Indians. That is the great contention they make. They have to support the Indians, because the Indians are begging and destitute, unless they can have the benefit of their land, and if the settlers were permitted to go in and make more leases, the reservation would lease for very much more than it does.

Senator LANE. They have been leasing those lands under the old leases at 5 cents an acre.

Mrs. GREY. When I went there first the rate was 1 cent for 11 acres, irrigated land. That was what Charley Bair was paying, \$7,000 for 400,000 acres. These ditches run through this land, and then they take the Indian's money to help to pay for those ditches, and more than that, the law says that this money must be paid to the Indians, and instead of paying it to the Indians, they are using it to run the reservation.

Representative BURKE. Senator. I want to make this observation: It is admitted that—I do not think there is any contention as to the facts in relation to these leases on that reservation—before we inquire more in detail, I would like to have a meeting of this commission, when we are all present, with the representatives of the department and the legal representatives, for the purpose of discussing the legal phase of this situation, and I think the Indian Office would welcome it, before they make any further leases, especially if it is contemplated making a lease that eliminates this provision that was

put in these former leases, on the theory that they did not have the right to lease them, and consequently they excepted them from the provisions of the lease. Then the question of remedy can be discussed, as to whether or not these lessees are not liable, as Representative Stephens has suggested, in damages to these allottees, and if steps are taken to enforce it, it will be like the cutting of illegal timber by large corporations; they will come in and settle it in most instances, in my opinion.

Mrs. GREY. Mr. Burke, eight years ago, when I started to Washington—I had been over the reservation at that time, and was correspondent for large newspapers—with a petition of the Indians to investigate Charley Bair's lease. He was running sheep. He voluntarily took his sheep up and took them off the reservation before I got to Washington. He took them 60 miles up the trail at the end of April, abandoned his hay that he bought on the reservation, trailed them up to Forsyth. He had his sheep to shear; his provisions were all there. He knew he was liable for a lot of money for trespassing, and what was the result? After he had taken his sheep off voluntarily he was invited back by the Indian Office. He came back under the same terms. This man Campbell is the stock inspector. In going over the accounts of the agent for last quarter I found \$60 for pasture paid to A. A. Campbell. The check was signed "A. A. Campbell." When I made complaints about two years ago Inspector Norris went there, and he reported that Campbell was guilty of dealing in horses; that his inspection was no inspection; and that he had used intoxicating liquors so much before the Indians on the reservation that his influence had been dissipated; and yet that man is in office still.

Senator LANE. I had the same idea that you had, and I invited Mr. Meritt to come up to-night, and he said he had another engagement and could not come, but he said he would send the representatives of these departments; and I presume maybe it is these gentlemen here who are in charge of these leases and do that business for the Government, and who know more about the details of it than Mr. Meritt himself. I do not remember the names. If those gentlemen are here, we will put them on the stand and get some evidence from them.

Mrs. GREY. May I make a little statement before Mr. Linnen begins? I have been in Washington eight years pounding away at this thing. Two weeks ago I figured this up with Mr. Linnen, and we spent several hours on it, and he is the first Indian Office official who has ever been willing to acknowledge this, and I came back and told Senator Lane that it was the first really happy thing I ever found in the Indian Office.

Senator LANE. Who is it that represents the department?

Mr. LINNEN. I believe Mr. Weekley might be able to give as much information as anybody with reference to the records.

TESTIMONY OF WILLIAM D. WEEKLEY, CLERK, INDIAN OFFICE.

(The witness was duly sworn by Senator Lane.)

Senator LANE. What kind of clerical work do you do?

Mr. WEEKLEY. I am engaged just now in handling the leases of the tribal lands.

Senator LANE. How long have you been engaged in that work?

Mr. WEEKLEY. Here lately, for the last three or four months—I was on it for about two years, from 1909 until 1911.

Senator LANE. Are you familiar with the condition in Crow Reservation?

Mr. WEEKLEY. Well, fairly so. I have handled part of them. I handled the one lease in favor of Rea No. 3.

Senator LANE. Did you handle any of the leases of Heinrich?

Mr. WEEKLEY. Well, as I remember that, I submitted the lease which had expired in favor of Heinrich for approval, but I was not on the desk at the time—

Senator LANE. When did it expire?

Mr. WEEKLEY. It expired February 1, 1913.

Senator LANE. Did you have anything to do with the new leases made for three years following that time?

Mr. WEEKLEY. No; not the one that was approved. I have handled the correspondence with regard to the diminishing of his district.

Senator LANE. The terms of the lease of 1911?

Mr. WEEKLEY. From 1910 to 1913, his three-year lease.

Senator LANE. You are familiar with that lease of Rea?

Mr. WEEKLEY. Oh, of Rea? I thought you meant Heinrich.

Senator LANE. Heinrich or anyone. What were the terms of that lease and what was the rate per acre?

Mr. WEEKLEY. For which?

Senator LANE. Any one.

Mr. WEEKLEY. The terms of the lease, as I remember, for district No. 3 were for two years and seven months from July 1, 1911. The annual rental was a little over \$17,000; I do not remember the exact figures.

Senator LANE. How many acres?

Mr. WEEKLEY. Something over 300,000 acres, as I recollect it.

Senator LANE. How much would that be an acre?

Mr. WEEKLEY. It runs about 5 cents, I believe.

Senator LANE. Over or under 5 cents?

Mr. WEEKLEY. I do not recall just the exact acreage, Senator.

Senator LANE. About 5 cents?

Mr. WEEKLEY. About 5 cents; somewhere along there; I can not say the exact figures. He was to have an average of 50,000 sheep per annum on the district.

Senator LANE. Was there any allotted lands in that?

Mr. WEEKLEY. I do not understand there is.

Senator LANE. Was there at that time?

Mr. WEEKLEY. Yes, sir.

Senator LANE. Was any exception made about it?

Mr. WEEKLEY. The lease form contains the provision that the lease is void as to allotted lands. It is customary, however, to allow them to use all the unfenced lands in the district, and the Indians were allowed to carry whatever stock they had on the unfenced lands.

Senator LANE. Then, the Indians' unallotted land was allowed to go into the general range?

Mr. WEEKLEY. Yes, sir.

Senator LANE. Where it was not fenced?

Mr. WEEKLEY. That is right.

Senator LANE. Were the Indians allowed to fence after the lease was made up?

Mr. WEEKLEY. As I recall, there was nothing in the lease about that; but so far as I know they were always to fence any lands they wished to use themselves; that is, they could fence their allotments any time.

Senator LANE. Was the lessee allowed to sublease?

Mr. WEEKLEY. The lease contains the provision against subleasing.

Senator LANE. Was that provided in the lease?

Mr. WEEKLEY. It was provided that the land might not be subleased without the consent of the department.

Senator LANE. When was the leasing system changed to a system of permits?

Mr. WEEKLEY. The grazing privileges on the Crow Reservation now are let under the permit system.

Senator LANE. Why?

Mr. WEEKLEY. I do not know, sir, just why the change was made. I did not know anything about it then.

Senator LANE. What is the difference between one of those permits and the lease?

Mr. WEEKLEY. The permit merely allows stockmen to bring so many head of cattle on the range and to pay for them at a stipulated price per head.

Senator LANE. Did you ever figure out to see what was the average per acre for the land?

Mr. WEEKLEY. It runs about the same as formerly.

Senator LANE. What was the object in making the change?

Mr. WEEKLEY. It gave the department the opportunity of cancelling a permit any time they saw fit; that is, the permit itself contains provision that it is revocable in the discretion of the Secretary of the Interior.

Senator LANE. Do you know of one ever being revoked?

Mr. WEEKLEY. We are revoking Heinrich's district No. 5, as to part of it.

Senator LANE. What was the reason?

Mr. WEEKLEY. Because the Indians needed part of their district for their own cattle which they were going to put on this summer.

Senator LANE. For the new herd?

Mr. WEEKLEY. Yes, sir.

Representative BURKE. What leases are now in force, if you know, on the Crow Reservation, and what permits?

Mr. WEEKLEY. There is no lease of tribal land in force at present. Their permits cover districts Nos. 1 and 2, and there is the permit on district No. 4, and one on No. 6, and the question of readjusting of the permit on No. 5 is now under consideration. We have also entered into negotiations for granting a permit on district No. 3, but that is not completed.

Representative BURKE. I understand you to say that notwithstanding the provision in the Rea leases that were made and other similar leases containing that provision, it was the policy and the practice of the department to allow the lessee to use the unfenced allotments the same as tribal lands?

Mr. WEEKLEY. Yes, sir; it is the practice to do that, because it was impracticable to attempt to keep them off of the allotments.

Representative BURKE. What information, if any, have you as to whether or not the office has a system by which they know how many cattle a lessee has upon the reservation, under the permit system, so as to know whether he pays for all the cattle he has upon the reservation, and what that system is?

Mr. WEEKLEY. The permit form contains the provision that the permittee will twice a year, either himself or by competent foreman, make sworn affidavit as to the number of cattle on the range at the beginning of the six months' period, the number kept on it, the number at the end of the six months' period.

Representative BURKE. Is that checked?

Mr. WEEKLEY. Yes; there has been on a few reservations. I do not know whether it has on the Crow. If you have any reason to doubt the correctness, you can put someone on and count and get the correct number.

Representative BURKE. As a general proposition, a large cattle company would be unable to state definitely how many cattle there might be on the reservation, and it would be practically impossible for the office itself to ascertain definitely. It would have to be estimated to some extent, and then the number would ultimately be verified probably by the shipments. Do they keep any account of the shipments?

Mr. WEEKLEY. I do not know whether they do at Crow or not.

Representative STEPHENS. Is it not a fact that there is a railroad running through this reservation that cattle are shipped in on and shipped out?

Mr. WEEKLEY. Yes; I believe there is.

Representative STEPHENS. Are there not inspectors up there to see that cattle are healthy when they are brought into this reservation?

Mr. WEEKLEY. I can not say as to that. I do not know.

Representative STEPHENS. That is the evidence heretofore, and these are steer cattle, are they not, which are put on under lease arrangement for pasturing by the head, those that are brought from the south?

Mr. WEEKLEY. I do not know as to that, either.

Representative BURKE. Do these leases contemplate under the permit system that the cattle may be put on the reservation?

Mr. WEEKLEY. Well, they provide that in this way—it seems they would. The permit form contains the provision that calves under 6 months of age will not be charged for, but after that age they will be counted.

Mrs. GREY. It is all mixed up.

Representative STEPHENS. If the cattle are shipped in on trains, it would be an easy matter for the inspector to count them. Do they count them as they come off the train?

Mr. WEEKLEY. Indeed, I can not say as to that. I do not remember that part of it.

Representative STEPHENS. And when shipped out to market are they also counted? They know the number of cars in the train and know the number of cattle they put in each car, do they not?

(No response.)

Representative STEPHENS. As a matter of fact you do not know?

Mr. WEEKLEY. I do not know.

Representative STEPHENS. That is the evidence heretofore, I remember distinctly. Now, there is a division fence, which has been spoken of to-night, that divided the lands, I think, of district No. 3.

Mr. WEEKLEY. District No. 5.

Representative STEPHENS. District No. 5, from where the main body of the Indians had their allotments, did it not?

Mr. WEEKLEY. No, sir; it is not my understanding. They put the Indian cattle on what is known as the I. D. range, and that is all under permit.

Representative STEPHENS. Indian cattle, I mean?

Mr. WEEKLEY. Yes, sir. That was formerly under permit to Heinrich. We are diminishing his range, compelling him to take all of his cattle south of this fence, and the Indian cattle are being put to the north of the fence, so as to keep them entirely separate.

Representative STEPHENS. The object was to keep the Indians' cattle separate from the lessees' cattle?

Mr. WEEKLEY. Yes, sir.

Representative STEPHENS. Then it was for the benefit of the Indian as well as for the benefit of the cattle owner that this fence was built?

Mr. WEEKLEY. I think so.

Representative STEPHENS. And that was the object of building it?

Mr. WEEKLEY. That was the object of building it.

Representative STEPHENS. How many cattle did those Indians own of their own—cattle, horses, and sheep, etc.? Do they own a lot of stock?

Mr. WEEKLEY. I could not tell how many.

Representative STEPHENS. Do they run on the commons in connection with the lessees' cattle?

Mr. WEEKLEY. They have been running in connection with the permittees' cattle.

Representative BURKE. In this division of what you call "Area No. 5," have you any information as to which portion of it is the most desirable?

Mr. WEEKLEY. Well, I do not know as to that. It is claimed that the southern part allotted to Heinrich would carry an average of 7,500 cattle. His permit formerly called for 23,000. So, according to that, the northern part would be the much more desirable. I do not know the country myself.

Representative BURKE. You do not know what prompted the division to be made at the point where the fence is located, and why the Indians were to be assigned the portion north of the fence?

Mr. WEEKLEY. No, sir; I do not know just why that was made.

Representative BURKE. Do you have any information as to the contemplated plan of making leases now without including this provision that has heretofore been in leases?

Mr. WEEKLEY. Well, we have no leases at present up there on Crow. This permit form contains no provision as to the allotted land, and no provision as to subleases.

Representative BURKE. Then, that provision is not put in the leases made to what you call "permittees"?

Mr. WEEKLEY. No.

Representative BURKE. On the theory that you have the right—

Mr. WEEKLEY. To revoke at any time.

Representative BURKE. That you have the right to lease the allotted lands?

Mr. WEEKLEY. No, sir.

Representative BURKE. Is there any suggestion to the permittee that he is not expected to allow his cattle to range on unfenced allotted lands?

Mr. WEEKLEY. No, sir; it has been the custom to allow the permittee to range his cattle on all unfenced land, either allotted or unallotted.

Representative BURKE. It is the intention of the office, when they lease to a permittee, to allow him to use these unfenced allotments?

Mr. WEEKLEY. That has been the custom.

Representative BURKE. You are not a lawyer?

Mr. WEEKLEY. I can hardly call myself a lawyer.

Representative BURKE. What do you think about the legal proposition as to whether or not it can be done legally?

Mr. WEEKLEY. I do not see hardly how you could keep the cattle off; that is the point, Mr. Burke.

Representative BURKE. That is not the question; that is another matter. The question is, Have we a right to do it?

Mr. WEEKLEY. Have we the right to lease the allotted lands without the Indians' consent? I do not think so myself.

Representative STEPHENS. Do you think the lessees would have the right to cut the Indians' fences and let their stock go in and destroy the Indians' hay?

Mr. WEEKLEY. Certainly not.

Representative STEPHENS. And would they not have the right of suit against them for trespass?

Mr. WEEKLEY. They would.

Representative STEPHENS. Would it not be the duty of the agent to prosecute and recover civilly?

Mr. WEEKLEY. It would.

Senator LANE. And if the department never did anything of the sort, could you see how the Indian would benefit?

Mr. WEEKLEY. Would not benefit?

Senator LANE. Would not be a benefit to the Indian in that—if that has never been done it might as well not exist, so far as the Indians are concerned?

Mr. WEEKLEY. So far as the Indians are concerned it would give them no benefit unless the department followed the matter up.

Mrs. GREY. Did you ever know of a prosecution of that kind on Crow?

Mr. WEEKLEY. I have never handled a case of that kind on Crow?

Representative BURKE. You would hardly expect the department to bring proceedings when they have authorized the lessee to go on there uncomplained of.

Senator LANE. Not to cut the fence and use the grass inside of it.

Representative BURKE. That would be difficult to prove.

Senator LANE. And destroy the hay and cut fences, of course, would be taking the personal property of the Indian.

Representative BURKE. You and I know all the big companies do it. This is only confirming the same state of facts.

TESTIMONY OF H. V. CAMPBELL, CLERK, INDIAN OFFICE.

(The witness was duly sworn by Senator Lane.)

Senator LANE. What is your position?

Mr. CAMPBELL. I am a clerk in the Indian Office.

Senator LANE. Have you had anything to do with the leases discussed here?

Mr. CAMPBELL. I was on the desk for a period of about two years, Senator, up until about three or four months ago.

Senator LANE. Do you know anything about these individual leases that have been made with Heinrich, Rae Bros., etc.?

Mr. CAMPBELL. I am somewhat familiar with the permits on districts Nos. 1, 2, 4, and 5 and 6; yes.

Representative BURKE. Do you know anything, Mr. Campbell, with reference to the conditions that pertain on this reservation with reference to any character of lease that will add to statements that have been made by Mrs. Grey and Mr. Weekley?

Mr. CAMPBELL. I hardly think so. I think Mr. Weekley covered the ground pretty well from an Indian Office standpoint. I suppose that I was called up here for the reason that I handled these grazing matters between the time that he gave up the desk and when he assumed it again.

Representative BURKE. Can you give us any information more definitely than he did with relation to system that obtained in the Indian Office looking toward the collection of the amounts that lessees may owe under this permit system, as to just how that is done, so that the lessees will pay for all the stock that they put on the reservation?

Mr. CAMPBELL. The permit system calls, as Mr. Weekley testified, for payment either annually or semiannually at so much per head, and the permit also has a clause penalizing the permittee for overgrazing. So far as the collection of the amounts due on those permits is concerned, of course I am not familiar with the system employed by the superintendents. I only assumed that the superintendent makes the proper collection and uses the necessary methods in determining whether the man is abusing his privileges. In the Indian Office, of course, it is for the accounting department. The disbursing agents submit liability cards along with permits executed, calling for so much money, and they in turn subsequently submit quarterly reports, and those matters are all checked up in the accounting section or division, with which I have nothing to do.

Representative BURKE. Do you know whether the legal phase of leasing has been considered with reference to the right of the department to lease or allow lessees to use the lands that are allotted to individual Indians without their consent?

Mr. CAMPBELL. No, sir; I do not know, for the reason that I did not have anything to do with the leasing of allotted lands, and the matter was never called directly to my attention until Mrs. Grey recently took the matter up with the Indian Office.

Representative BURKE. But the lease provided that the lessees should be barred if the lessee did use the allotted lands, did they not? That has been stated here.

Mr. CAMPBELL. I am not entirely sure that that is so. Of course the lease form will speak for itself.

Representative BURKE. Have you any information as to whether or not it was the practice of the office to consent that the lessees might use these unfenced allotments?

Mr. CAMPBELL. That is my understanding, Mr. Burke, that that was allowed.

Representative BURKE. But you have no information as to whether the legal phase of it was considered, as to whether it was within the law.

Mr. CAMPBELL. I have no information or knowledge on that point. I have myself never considered that proposition of whether it was legal.

Representative STEPHENS. Mr. Campbell, the leasing system has been in vogue for a good many years, has it not, by the Indian Department, on a good many reservations?

Mr. CAMPBELL. I have been in the Indian Office for about four years, and it was in vogue when I went in, although I did not have anything to do with that work from the beginning.

Representative STEPHENS. It permits the person owning the stock to put so many head of cattle on for a year's time. It is for a year, is it not?

Mr. CAMPBELL. Are you speaking of the permits?

Representative STEPHENS. The permittees.

Mr. CAMPBELL. Under the present system contracts are entered for a year or such other period as the Secretary might determine.

Representative STEPHENS. It might state the kind of stock, whether horses, cattle, or sheep.

Mr. CAMPBELL. Yes, sir.

Representative STEPHENS. And the number.

Mr. CAMPBELL. The kind of stock and the number and the rate per head.

Representative STEPHENS. And the rate per head, you do that?

Mr. CAMPBELL. And the rate per head.

Representative STEPHENS. With the usual clause to prevent overstocking.

Mr. CAMPBELL. How is that?

Representative STEPHENS. With the usual clause in all these permits that the land shall not be overstocked.

Mr. CAMPBELL. Exactly.

Representative STEPHENS. And when you lease by the acre or by the bulk, they have this other provision in it that it shall not be subleased?

Mr. CAMPBELL. The lease form has that provision against subleasing.

Representative STEPHENS. The permit form. Would it be possible to carry into effect the other form of lease? The lease form would be different. You have got to have a different form.

Mr. CAMPBELL. Entirely different.

Representative STEPHENS. You can not use the same form?

Mr. CAMPBELL. You can not use the same form.

Representative BURKE. Do you know, Mr. Campbell—if you do not I would like Mr. Weekley to state what he knows about it—as to the system that has recently been put in operation for the leasing of surplus Indian lands that are open to homestead entry under congressional act that authorizes the disposition of the surplus lands?

Mr. CAMPBELL. I could give the commission some information on that probably.

Representative BURKE. Make a brief statement. I would like to get some information about that as that is connected with this subject.

Mr. CAMPBELL. In 1912, along in July, the department approved some regulations provided for the leasing or rather the use of grazing lands within Indian Reservations where the Indians had ceded the lands. As a matter of fact, they are not actually ceded, as I understand it. In other words, they are lands that the Indians have agreed to sell or dispose of, and the Government acts as trustee to sell such lands.

Under the decision of former Secretary Adams it was held that such lands—in other words that the Indian title was not extinguished until the lands were finally entered and sold by the Government for the Indians. So, following the promulgation of those regulations, the Indian Office and the department undertook to lease all—or I should say the form under the permit system allows the use of such lands for grazing purposes on the various reservations and, so far as I know, that system is in effect on some reservations now.

Representative BURKE. Do those leases provide that when a homestead entry is made that the lessee then ceases to have the right to graze upon that much of the area?

Mr. CAMPBELL. Yes, sir.

Representative BURKE. On the same theory that you exempted from the terms of the leases that were made a few years ago the Indian allotments?

Mr. CAMPBELL. Somewhat.

Senator LANE. What about the rental? Do you know anything about the price they are paying for those lands?

Mr. CAMPBELL. The rate per head there is according to the character of the land.

Senator LANE. What would it average per acre, about, if you know? Did you ever figure it out?

Mr. CAMPBELL. Senator, it is usually on a per capita basis, from \$1 to \$2.50 a head for large stock per annum.

Senator LANE. That would include a definite and certain number of cattle and by a little figuring you would find out. Did you ever figure out to see what you are getting for that?

Mr. CAMPBELL. I do not recall, but I think 5 or 10 cents an acre.

Senator LANE. That is the general average?

Mr. CAMPBELL. That is about the average.

Senator LANE. Throughout the United States?

Mr. CAMPBELL. Throughout the seven or eight reservations that were involved.

Representative BURKE. That is in the Northwest?

Mrs. GREY. We counted it up on the Crow Reservation and found it was 5½ cents.

Representative BURKE. On reservations in our State it is from 4 to 6 cents an acre.

Mrs. GREY. They are very different kinds of range.

Representative BURKE. A cattleman will take a calf 1 year of age and mature it to 4 years at \$3 per head per year. Those are the prices in our country.

Senator LANE. That is very reasonable.

Mrs. GREY. They pay that?

Representative BURKE. Yes.

Mrs. GREY. But on Crow it was estimated that when a calf eats grass it was worth \$45, and it would increase \$20 a year on grass.

Senator LANE. I do not know anything about that. It seems to be a pretty good increase.

Mrs. GREY. I had the figures from a cattleman on the reserve who said he would be willing to pay \$20 a year a head and that he could make it pay at that also.

Representative BURKE. One thing I would like to find out for our information—we may want to go into this thing in detail—as to what becomes of the money that is received from these leases.

Mrs. GREY. There you have got it.

Senator LANE. I think you can get all the light you want on that.

Mrs. GREY. I think you will be perfectly astounded when you see where the money goes to.

Senator LANE. Do you know anything about the prices of grazing land which belongs to the Indians compared with the prices which the Government obtains for forest-reserve lands for grazing?

Mr. CAMPBELL. From the information I have had and from all I have heard and read, I think we get about 100 per cent more than the Forest Service charges.

Representative STEPHENS. I will state that we have in our State a leasing system, and have had for 20 years, and all of our public lands—school lands now so declared—leased for 4 cents an acre, and a man can lease from 1 to 4 sections of land, and there is between 20,000,000 and 30,000,000 acres leased.

Representative BURKE. I think in the Osage Reservation, in Oklahoma, they lease for about 50 cents an acre.

Representative STEPHENS. That is much better grass.

Representative BURKE. Yes.

Representative STEPHENS. Our country is semiarid.

Representative BURKE. I think, as a general proposition, that the Indian Office has been getting pretty good rentals.

Representative STEPHENS. I think so.

Representative BURKE. That has been my observation.

Representative STEPHENS. I do not know what they are getting in the Mescalero Reservation. We went out there last fall and ran over that reservation. It seems to me they are getting 80 cents there. I think some cattleman told me he was paying that. That is in New Mexico.

Senator LANE. Mr. Linnen, can you add anything to what has already been said?

Mr. LINNEN. I hardly think so, Senator, for the reason that I have just recently gone over to the Indian Office, within the past couple of months. I have never made an investigation on Crow Reservation, and my information that I have obtained so far has been obtained solely through the records of the office. I have made a memorandum for the commissioner with relation to the granting of further permits, a copy of which Mrs. Grey has. If you care to have that in the record I would be very glad indeed to put it in.

Representative STEPHENS. I think it would be advisable for that to go in.

Mrs. GREY. I think it should go in; that is what I intended to use as a basis of my talk, but it was ruled out.

Mr. LINNEN. If you care, for the benefit of the members, I will read it.

Representative BURKE. Is it very long?

Mr. LINNEN. It is very short.

Senator LANE. I have not seen it.

Mr. LINNEN. It is a memoranda relative to Crow Reservation, made by Inspector E. B. Linnen, for Commissioner Sells, is dated May 2, 1914, and reads as follows (reading):

MEMORANDUM RELATIVE CROW RESERVATION, BY INSPECTOR E. B. LINNEN.

MAY 2, 1914.

The act of Congress approved April 11, 1882, as contained on pages 42 and 43 of volume 22, United States Statutes at Large, specifies that allotted lands to members of the Crow Tribe of Indians shall not be subject to alienation, lease, or encumbrance, either by voluntary conveyance of the grantee or his heirs, or by the judgment, order, or decree of any court, nor subject to taxation of any character, etc., for a period of 25 years and until such time thereafter as the President may see fit to remove the restrictions, which shall be incorporated in each patent.

I am informed that the original allotment roll of allottees under this act has disappeared from the files, and it is contended by Mrs. Grey that allotments of lands other than the original lands allotted have been substituted, and patents issued under what is known as the Burke Act of 1906.

It is also contended that the original allotment papers under the acts of 1882 and 1891 were in the hands of Chief Supervisor Holcombe, having been turned over to him by the then Secretary of the Interior Ballinger. It also appears that office letters have been written to the various Indians who desired to make individual private leases to one John Booz or others, prohibiting such leasing or fencing of their allotments, and that the general lease of tribal lands has included these allotted lands of various Indians, for which no compensation has been received and no moneys paid to the Indians whose individual allotments are so used.

It is stated that the lease contracts of the cattlemen especially provide that "in case of the allotments of land in severalty, it is agreed and understood that this lease shall be void as to the lands so allotted." This exclusion of the allotments, a very large majority of which are unfenced, permits the lessees to graze their herds over these allotted lands free of cost, and according to the present superintendent there are about 2,300 of these allotments of 320 acres each.

Instances have occurred where the Indians could lease their allotments but are prohibited from doing so, or from fencing same for such purpose, or leasing those which are fenced. This policy was outlined by the superintendent and approved by the Indian office for the stated reason that these leases of individual allotments to small stockmen would interfere with the large lessees, and that to fence off a part of the range to the personal advantage of allottees would work a great disadvantage to the tribe as a whole. "In the judgment of this office the best and most practical arrangement would be to have it understood that the large grazing permits include the allotted grazing lands which are unfenced. With this understanding the lessees would be willing to pay a higher rental, being assured that the water which is now open and available would remain so during the term of their lease."

When it is taken into consideration that the leases are made at so much per each head of stock, and that the number of head of stock permitted to be grazed is based on the estimated area of the tribal lands and does not embrace about 2,300 allotments of 320 acres each, it is readily seen that the allotted Indians are not receiving payment for a very large area of land, and neither is the tribe receiving such payment, and further, the bids do not provide for the actual acreage, and generally the only persons acquainted with these facts and this advantage to be thus gained are the lessees who have been taking advantage of same for years past.

The present leases in vogue likely extend for another two years. It now appears that leases could be made by or for a large number of individual allottees whereby they might secure a considerable revenue from such leases, and it further appears that certain persons would be willing to fence the allotments so leased for a term of years, and that the fences so constructed would at the termination of, say, five years, go to the owners of the allotments.

The present lessees have no control over these allotments under the terms of their leases, and thus a considerable revenue from the leasing of these allotments and sale of hay which might be cut from same could be secured for the benefit of these Indians. Roughly estimated, there are approximately half a million acres of individual Indian allotments so effected, for which no payment is made by the present lessees who have had the use of same for many years back free of any expense.

Further, the present permits on Crow contain no provision prohibiting subleasing, as I am advised, the former leases provided for, and consequently subleasing is carried on by the present lessees who receive unquestionably an increased price per head over that which they are paying. In this connection see affidavit of John Booz, who is subleasing from Mr. Heinrich. The Indian should receive full value and the lessees not be permitted to sublet at a profit, as is now unquestionably being done.

Furthermore, it appears that Mr. John Booz is now willing to pay for certain grazing lands which he is now subleasing from Heinrich at a much greater price to the Indians than they are receiving from said Heinrich, and in view of same it would seem to be a matter of justice to the Indians and good business judgment of this office to permit such leases which will bring the highest terms to the Indians.

(Signed) E. B. LANNEN,
Chief Inspector.

SPECIAL NOTE.—I very much doubt the wisdom of furnishing a copy of the affidavit made by John Henry Booz to Z. Lewis Dalby, attorney for Mr. Heinrich, or to Mr. Heinrich, for the reason that this affidavit was given in confidence to the joint commission of Congress. I believe that Mr. Heinrich should be called upon to furnish information as to the exact amounts of money he has collected from said Booz for subletting grazing permit. I believe the furnishing of said confidential affidavit will simply create trouble between these gentlemen which is unnecessary and should be avoided, and further I believe the furnishing of a copy of said affidavit would be displeasing to the joint commission of Congress.

E. B. LANNEN, *Chief Inspector.*

(Special.)

MAY 1, 1914.

HON. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. COMMISSIONER: You will recall that when Mr. F. M. Heinrich and I were in your office about two weeks ago you referred to some complaint of some kind filed by a man named Booz, which you stated you desired to take up with Mr. Heinrich while he was in the city. Subsequently, however, when Mr. Heinrich was about to leave for Montana you informed us that you were not yet ready to take the matter up with him, and I replied on his behalf that whenever you should be ready to do so I should be glad for you to communicate with me, as Mr. Heinrich's attorney, regarding the matter. Since then I have not heard from you upon the subject.

Being without any information as to the nature of the complaint to which you referred, I do not desire to press the matter unduly upon your attention, but merely to confirm in this way my informal statement to you that I shall be glad to take the subject up with you on Mr. Heinrich's behalf whenever you are ready to give it your attention.

In the meantime, I beg to inquire whether there is on file in your office any allegation or charge by one John Booz in relation to Mr. F. M. Heinrich which would, if true, injure or tend to injure Mr. Heinrich; and if so, to request opportunity to examine the same with a view to such action as it may be right and proper that Mr. Heinrich should take in reference thereto.

Very respectfully,

Z. LEWIS DALBY,
Attorney for F. M. Heinrich.

Senator LANE. The commission will now adjourn, to meet at the call of the chairman.

(Thereupon, at 11 o'clock p. m., the joint commission stood adjourned to meet at the call of the chairman.)

THURSDAY, JUNE 4, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in room 128, Senate Office Building, at 7.30 o'clock p. m.

Present: Senators Lane (presiding) and Townsend and Representatives Stephens, Carter, and Burke.

FURTHER STATEMENT OF MRS. HELEN PIERCE GREY.

Senator LANE. Mrs. Grey wanted to call attention to individual cases, and tie up her evidence together—some other contracts with the one which was considered the other night. What did you want to take up to-night?

Mrs. GREY. In discussing this matter the other night we did not get down to the present time, and to show that this policy is still in operation I thought I would read the last letter that I can find on the subject, of January 3, 1914, into the record, to show that it is still continuing and that it is still the policy of the Indian Bureau, and, in fact, more strenuous now than it ever has been before.

Senator TOWNSEND. What letter do you refer to?

Mrs. GREY. A letter that was written by the Indian Office, signed by Mr. Meritt, to Little Nest, of Wyola, Mont.

Senator TOWNSEND. To whom is it written?

Mrs. GREY. Little Nest, who is an Indian on the reservation.

Representative BURKE. Have you Little Nest's letter to him?

Mrs. GREY. Yes.

Representative BURKE. Let us have his letter first, if you have it there.

Mrs. GREY. I have.

(The witness read the letter referred to, as follows:)

WYOLA, MONT., *December 13, 1913.*

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: I hereby request your consent to lease to John Booz allotments belonging to myself and family for three years (description of allotments attached). Mr. Booz agrees to pay me 20 cents an acre for all of land he pastures, and agrees to pay me market prices for all of oats I can raise at the granary, and \$6 per ton for all the hay I can put up. He will pay \$30 per month for my team to feed the stock. My land is all fenced with three wires. Mr. Heinrich does not lease my land and Mr. John Booz has made good offer for lease my pasture, and I want him to take it soon as possible. I want him to pay the lease money direct to me and not through the agent, as I need the money badly for the winter.

Yours, truly,

LITTLE NEST (thumb mark).

892, Little Nest has lots 2, 3, 4, and the south half section 1; also lots 1, 3, 4, section 2, township 9 south, range 33 east.

894, Mary Little Nest has lot 1 in section 1, township 9 south, range 33 east.

896, Kills the Sorrel Horse Rider has the south half of the north half section 2, township 9 south, range 33 east.

895, Pretty Enemy has the north half of the southeast quarter and the north-east quarter of the southwest quarter section 2, township 9 south, range 33 east.

890, Bull Goes Hunting has the southwest quarter and the west half of the southeast quarter section 1, township 9 south, range 33 east.

893, Mary Lafarge has the south half of the northeast quarter section 1, and lot 2, section 2, township 9 south, range 33 east.

891, One Buffalo Calf has the east half of the southeast quarter section 1, township 9 south, range 33 east.

Representative BURKE. Just a minute. John Booz is a sublessee, is he not?

Mrs. GREY. An illegal sublessee.

Representative BURKE. He is subleasing under this Heinrich or somebody else?

Mrs. GREY. Yes. Mr. Booz originally leased direct from the Indian Office the range that he is now using, what they call the "dry corner." It is a section of about 50,000 acres, with the mountains between him and the rest of district No. 5, so, to get to this dry corner, you have to go clear around through Wyoming; and as they have to pay a certain inspection tax, of course nobody on the reservation could possibly use that land. Until about 1910 it was held separately, but when Mr. Bostwick came in and took control of the reservation Mr. Booz was compelled to pay a very large price for the land, about \$4 a head, for his cattle for half of the year. But it is only a winter range, and Mr. Heinrich only pays \$2.15 to the Indians for a whole year's range, and as Mr. Heinrich charges Mr. Booz for shipping he is making a very good thing indeed off of Booz in the corner. To get away from that Mr. Booz wants to lease direct from the Indian Bureau and the allottees.

(The witness then read the following letter:)

[Land contracts, 148975-13. Application to lease.]

JANUARY 3, 1914.

LITTLE NEST, *Wyola, Mont.*

MY FRIEND: I have received and considered your letter, dated December 13, 1913, requesting that you be allowed to lease your allotment and several other allotments belonging to members of your family, to Mr. John Booz, for a period of three years, on certain terms and conditions.

It appears from a report recently received from the superintendent at Crow Agency that you submitted a similar application to him, which was denied. The office has also recently received a communication from Mr. Booz applying to lease a number of Crow allotments in a body for grazing purposes.

Some time ago the office instructed the superintendent at Crow Agency to prohibit all leasing of allotments in groups for grazing purposes situated within the tribal pastures. This decision was reached after the matter had been very carefully considered, the principal objection being that if such leasing were permitted outsiders would secure control of groups of allotments taking in favorable watering places, which would damage the interests of the tribal permittees. The danger of cattle breaking out and straying from the inclosures onto the tribal pastures would also be very great. If Mr. Booz or any other responsible applicant should desire to lease the allotments in question for farming purposes, the office would consider such application, but for the reasons above given you are advised that the office deems it for the best interests of the Crow Indians, as a tribe, to deny the application submitted by you.

Your friend,

E. B. MERITT,

Assistant Commissioner.

PARKMAN, WYO., December 10, 1913.

Hon. Commissioner SELLS:

You can see by these papers that the Indians and families of these lands want to lease me these allotments. I will comply with these terms if you see that the Crows will be benefited. I am anxious to get this land. Can give you any kind of bond that is required.

Respectfully,

JOHN H. BOOZ.

[Land contracts 146735-1913. H. V. C. Application to lease.]

DECEMBER 27, 1913.

Mr. JOHN H. BOOZ, *Parkman, Wyo.*

SIR: Receipt is acknowledged of your letter dated December 10, 1913, inclosing what purports to be the application of a number of allottees on the Crow Reservation, Mont., to lease their lands to you under certain terms and conditions. You say that if the lands are leased to you, you will comply with the terms named, and that you can give any kind of bond that is required.

In response I have to advise you that the office recently received a report from the superintendent, touching upon this matter, wherein it was stated, among other things, that some of the Indians named in the communication inclosed by you had made application to lease their lands for grazing purposes. It appears that the allotments in question lie in a contiguous group close to and along the river, and that it was proposed to fence them in one body and run stock thereon. Inasmuch as the office has heretofore issued instructions to the superintendent prohibiting the leasing of allotments in groups for grazing purposes, your application will necessarily have to be denied.

The reason for this is that the allotments are within one of the tribal pastures now under permit, the holder of which has the right to all the range not separately fenced, including allotted lands. It would be unfair to the permittee to allow the leasing of allotments in groups within his pasture controlling favorable watering places, which might result in much damage to his interests. Aside from the mere occupation of the lands, it would be almost impossible to prevent the stock from running on the tribal pasture. The office will be glad to consider any leases covering these allotments or others similarly situated for farming purposes only, and if you are interested in securing any leases for such purpose it is suggested that you take the matter up direct with the superintendent at Crow Agency, to whom a carbon copy of this letter is being sent.

Respectfully,

E. B. MERITT,
Assistant Commissioner.

(12-II. V. C.-23.)

[Land contracts, 143525-13. H. V. C. Unauthorized leasing by allottees.]

DECEMBER 19, 1913.

Mr. WINFIELD W. SCOTT,
Superintendent Crow School.

SIR: The office has received and considered your letter of December 4 last, with reference to informal grazing leases being made by some of the allottees holding land under your jurisdiction without advice or approval and contrary to the order contained in office letter of May 27, 1912 (49059-12), to which you refer. It is understood that in some cases these informal leases or agreements are made by Indians who have control of a group of allotments belonging to members of their families, and that in such cases the tract embraces favorable watering places, being first fenced and thereby excluded from the area included in the permits covering the several tribal pastures. You refer to several specific cases which have come to your attention, saying that the practice is rapidly spreading over the reservation, and you recommend that the previous authority of May 27, 1912, be approved.

As stated by you, previous to the date of the authority above referred to, the matter was fully reported to the office, and after careful consideration action was taken as indicated. It was believed then that such action was for the best interests of the tribe in general without regard to any particular allottee,

and that it was only fair to the parties holding permits on tribal lands, which, of course, include all lands not under fence. At the same time it was thought that the Indians should be encouraged to fence their grazing allotments for the use of their own stock, and you were instructed accordingly.

In view of the conditions now reported you are instructed to invoke the authority previously given you regarding this matter, and to prohibit the leasing by allottees of their allotments in groups for grazing purposes. You will take prompt action in all cases of this character that may come to your notice, and cause to be removed from the reservation any stock belonging to outsiders found grazing without proper authority, reporting the facts to the office.

Respectfully,

E. B. MERRILL
Assistant Commissioner

(12-H. V. C.-17.)

Mrs. GREY. Now, this application was made in the wintertime. Since then the family of Little Nest have suffered to such an extent that two members of the family have died of starvation. They have starved to death, and yet they all should be very rich, because this land is very valuable. It lies along the railroad and could not be better land. And they are thoroughly competent people; they are honorable people and honest people, and if they were permitted to have the use of their allotments, they would be prosperous. I know them all personally.

Now, that is one who was forbidden this last winter. Another one was Tom Doyle. Tom Doyle has seven children. They live up on the reservation farther up, but not in the same district. The lessee has occupied Tom Doyle's land for about 15 years. He is a white man, married to an Indian woman, and a man against whom they have not been able to get anything until very recently, although he has been subjected to every form of persecution because he would not submit easily to allowing them to use his family land. During this last winter he killed a cow with one of the Omaha Packing Co.'s brand on it.

Representative BURKE. Who did?

Mrs. GREY. Tom Doyle—just a little while after this. The cow was on his land illegally. The Omaha Packing Co. has no permit on the reservation. The Omaha Packing Co. is, of course, owned by the Cudahys in South Omaha.

His family was absolutely destitute; they had nothing in the world to eat; the snow was deep; it was midwinter there. His children were excluded from the county schools, although he was paying a special school tax. His family lands are illegally taxed; he is paying a heavy tax; and 1 mile from his house was a county school where they were paying \$60 a month to the teacher and there were only four children in the school, and yet his children were excluded. He killed one cow and he is now in the penitentiary. He was given the highest sentence they could give, and although you, Senator Lane, asked Commissioner Sells to employ a lawyer for him, that was not done. He employed his own attorney, and although the jury recommended that he be paroled, the judge gave him the fullest sentence he could.

His family now have moved down farther on some of their other land. Mrs. Doyle wrote me a little while ago, and she has a baby that is only a week old now. Mr. Doyle has been in the penitentiary about a month. She wrote me that the lessee's employees

were putting salt around her tent. She had taken this tent and put up a little fence, trying to raise some vegetables, and this lessee's employes came and put salt around the tent to bring the cattle there.

Senator LANE. I want to put in the record at this time that the information came to me that the Doyle family were starving and that this man Doyle had gone out and killed a range cow in order to keep his family from starving to death; that many of the other Indians, I had information, were hungry and were living upon mashed potatoes and flour ground together—

Mrs. GREY. That Mr. Booz had given much of it to them.

Senator LANE (continuing). That one man was offering to buy such dead cattle as were to be found on the range and pay for them when he had money. So I wrote the commissioner and said, "If this man has killed a steer to keep his children from starving to death, and if that is really true, I would ask that the department send an attorney there to represent him in the matter." For if my family were starving and a steer came along, I would kill it myself—if that is the truth of it.

Mrs. GREY. There is no question of that being true.

Senator LANE. That is why I interceded for him and I would do it again under the circumstances.

Senator TOWNSEND. Have you any other evidence of these things you are saying?

Mrs. GREY. I have a letter from the attorney himself who tried the case, and he said the judge was so prejudiced against him—I think Mr. Linnen saw that letter. Wasn't it you?

Inspector LINNEN. I do not remember seeing it.

Mrs. GREY. Anyway I had a letter from the attorney himself, and I had a clipping from the newspaper that I gave to Senator Lane. There is not a question about it. I have had it from many different people there.

Representative STEPHENS. You stated it was a steer belonging to the Indian?

Senator LANE. No; it belonged to some lessee.

Mrs. GREY. The Omaha Packing Co.

Senator LANE. It was not his steer; he had no right to kill it, even though he starved to death, I suppose.

Representative BURKE. What about this man's land? Did he have the use of his allotment?

Mrs. GREY. No; he never has been able to get the use of his allotments.

Representative BURKE. Were they ranged over by the lessee?

Mrs. GREY. Yes; and have been probably for 15 years. He has never had but \$100 that E. L. Dana paid him, and he got that only after I asked Dana to pay it.

I will say further that Mr. Doyle was in such a desperate condition—his wife had a fee patent on her land, and she borrowed money from a man by the name of Sheridan, a money lender, and he charged them 12 per cent a month interest, and when it had amounted to about half the value of the land he foreclosed and sold it—the agent knew all about it—and this man Hunter is lending to other Indians at the same rate.

Senator TOWNSEND. Do you know whether the department has investigated any of these charges or not?

Mrs. GREY. They have been before the department as thoroughly as they could be, and Senator Lane, I think, took it up personally with the commissioner.

Senator LANE. I presented these facts to the department.

Mrs. GREY. I have talked personally to the commissioner a number of times about it. I even had pictures of the Doyle children and took them to him and showed them to Mr. Linnen, and asked that something be done for them.

Representative STEPHENS. Are they good lands?

Mrs. GREY. Beautiful lands. They are underlaid with coal, right upon the border of the reservation, just over from Wyoming. The whole country is settled up and range is very scarce; they are paying 50 cents an acre just over the line.

Representative STEPHENS. Was it leased for farming purposes?

Mrs. GREY. No.

Representative STEPHENS. Has not the department let him lease it?

Mrs. GREY. No; and he can not fence it.

Representative STEPHENS. The department would let him work it if he would do it, would they not?

Mrs. GREY. No; he has tried to put in a ditch—the way they got rid of him at the time, they would not let him have the thrashing machine. He was putting in wheat, and they would not let him have the thrashing machine, and at the same time Heinrich, the lessee, used the thrashing machine, and it burned up on his place. They told Doyle he would have to haul his oats about 40 miles over the hills.

Representative STEPHENS. So they would not let him work, and they would not give him work to do?

Mrs. GREY. No.

Senator LANE. Or tools to work with.

Representative STEPHENS. He can get employment, can he not?

Mrs. GREY. Yes; but he wanted to farm his own land.

Representative STEPHENS. Then he should have been able to make a living?

Mrs. GREY. Oh, he did; in any but the wintertime. Tom has always made a good living. He went outside and hired a thrasher on the outside, and came in and thrashed the Indians' grain.

Representative STEPHENS. There was no necessity for his family to starve then?

Mrs. GREY. No; but he has been in jail since last December.

Representative BURKE. I thought you said he went into jail because he stole something to keep them from starving.

Mrs. GREY. He did; but there is no work in the winter. They went up there in the wintertime.

Senator TOWNSEND. Is this Mr. Booz the man who was down here sometime ago?

Mrs. GREY. Yes, sir; the same man.

Senator TOWNSEND. He had some trouble, or fear of trouble, with Heinrich?

Mrs. GREY. Why, yes. He came down here and gave some information, and right after that Mr. Dalby—anyhow Mr. Heinrich got here right off, and he knew all about it.

Senator TOWNSEND. What was it? I have an indistinct recollection that Mr. Booz came into my office, and, I think, with you.

Mrs. GREY. Yes.

Senator TOWNSEND. What was he fearful of?

Mrs. GREY. Why, he was subleasing, and they ordered him to get his cattle off of the range in the middle of the season, and he could not get them off without just losing everything.

Representative BURKE. What is confusing me is what the duty of the Commissioner of Indian Affairs was in the case of a white man arrested on an Indian reservation—why, the Indian Office should furnish him counsel and see that he had a defense.

Senator LANE. They probably did not have any more to do with it than this, that if his family were under the control of the Indian Office, and the Indian Office had charge of those lands—

Representative BURKE. The Indian Bureau, however, could not rightfully have any charge of lands that had been granted to an Indian in fee.

Senator LANE. But if they had usurped charge of them, and in consequence of his failure to obtain any profit from them his family were going hungry, and he went out and killed a steer or cow, I can see where a good Commissioner of Indian Affairs might, if it was in his power, ask for a fair trial for that man.

Mrs. GREY. There was another point there. The children are all minors. They are all under the supervision of the agent, and their lands were being ranged over—

Representative BURKE. That is the part I am especially interested in.

Mrs. GREY. They were ranged over by a steer bearing the Omaha Packing Co.'s brand, which has no lease on the reservation.

Representative BURKE. Of course, if the Secretary of the Interior grants a patent in fee to an Indian, it is not the duty of the Indian Office to see that that competent person does not dispose of his estate for an inadequate consideration?

Mrs. GREY. No. But it is the childrens' land; there were seven children. They were, in fact, living on one of the boys' land—Rob's land. It was on Rob's land where it occurred.

Senator TOWNSEND. Are you familiar with this situation up there at present?

Mrs. GREY. Very familiar; yes, sir; personally.

Senator TOWNSEND. Now, suppose this Indian—what did you say his name was?

Mrs. GREY. Mrs. Doyle.

Senator TOWNSEND. No; the one you mentioned first.

Mrs. GREY. Oh, Little Nest.

Senator TOWNSEND. Suppose Little Nest had leased his land to Booz, as he wanted to do, and that Booz was a good lessee, and had paid just as he agreed. Would that interfere with the rights of other Indians in their lands?

Mrs. GREY. Not at all; very much the contrary, because there is scarcely an Indian on the reservation who is not trying to get control of his land, and they can not do it. As I have ridden over the district I have seen on Bright Wings's place—that is up on Rotten Grass Creek—seven years ago I saw miles and miles of cedar posts,

where he came in and tried to put up a fence on his own land, and he has not been permitted to do it.

Senator TOWNSEND. Mr. Meritt's letter that you read indicated that if this land was leased, and other lands similarly situated, the lessees under those leases from the Indians would get possession of the water holes, or the water, and thus render without value the rest of the land.

Mrs. GREY. Yes.

Senator TOWNSEND. Is it possible that that could be done?

Mrs. GREY. No; just look at the map. [Indicating.]

Senator TOWNSEND. I am not trying to justify the act, because I do not think they have any right to make them lease this land without their consent.

Mrs. GREY. There are 3,000,000 acres in this reservation, and only about one-third is allotted. You can see from the map that there is water everywhere. This is not a dry country.

Representative BURKE. Let me ask you a question right there. Is it your idea that the Indians can individually be permitted to lease their allotments, and that it would still be practicable for the Indian Office to lease to large lessees the unallotted lands?

Mrs. GREY. Unquestionably.

Representative BURKE. You think there would not be any confusion result from it?

Mrs. GREY. More than that, I think where they are getting \$1 for the reservation they would get \$10 if they would let it that way, because this is a very rich country. Montana and Wyoming are great cattle and sheep countries. It is settled up. The railroad goes right through this reservation. If they would let the local men come in and lease—of course, you would have the question of the old cattle barons right over.

Another thing, I would not want to see the Indians permitted to lease their allotments to anyone who would not put a fence around the allotment. Now, Mr. Booz, wherever he has offered to lease an Indian allotment has agreed—and in all of these applications you will find the agreement—that he will fence the allotment, then lease it for five years, and turn it back with the fence on it. By that time the Indian has been getting quite a little money, and he has a place where he can hold his own home and his own stock. He is in quite a different position from what he is where the big lessees occupy his land.

Senator TOWNSEND. Are there any of those leases now in existence where they run for a term of years?

Mrs. GREY. Yes; but they are all permits that can be terminated at will. They all can be terminated.

Representative BURKE. They are changing from the leasing system to the permit system, are they not?

Mrs. GREY. They have been changed. The old leases were very strong and much more favorable to the Indians.

Senator TOWNSEND. Now, if the department should terminate these leases or permits, so as to allow the Indians the right to lease their allotments, these large lessees would have no right of action, you think, against the Indians?

Mrs. GREY. None whatever; because in every one of the permits is that clause. Moreover, Senator Townsend, in every one of the

permits there is the clause that the permit is void as to the allotted land. That goes through every one of them.

Representative BURKE. Mrs. Grey, have you the letter that was read the other night, that was written on a former occasion with reference to the attitude and policy of the Department in refusing to allow Indian allottees to lease, because it was stated it would interfere with the large lessees?

Mrs. GREY. Yes; I have it here.

Representative BURKE. Let Senator Townsend have that letter.

Senator TOWNSEND. Before you get to that I want to get this clear in my mind. What is done with the money that is obtained from the lessees?

Mrs. GREY. It is, illegally and in violation of the law, used to pay the agent, the farmers—everything on the face of the earth.

Senator TOWNSEND. Does any of it go to the Indians?

Mrs. GREY. I do not think they had an annuity payment out of last year's money at all.

Senator LANE. They got the payment on April 16.

Mrs. GREY. Yes. I think they had none at all last year, so last year they got nothing from it.

Representative BURKE. You have that other letter there?

Mrs. GREY. Yes.

Representative BURKE. The superintendent wrote a letter, and then his recommendations were concurred in, as I remember. It is right in line with the other letter you have already read.

Mrs. GREY. Shall I read it?

Representative BURKE. Yes; read it for Senator Townsend's benefit.

(The witness read the letter referred to, as follows:)

[Land contracts, 49059-1912. H. V. C. Crow grazing leases.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 27, 1913.

Mr. W. W. SCOTT,
Superintendent Crow School.

SIR: The office has received and considered your letter dated May 13, regarding the leasing of individual grazing allotments within the limits of the tribal grazing districts on the reservation under your supervision. In connection with the leasing of the tribal pastures your judgment is that the most practicable arrangement would be to have it understood that the large grazing permits include the allotted grazing lands which are unfenced, and you recommend the issuance of an order by the department prohibiting the leasing of grazing allotments, especially in groups, during the life of the tribal lease.

Under the terms of the existing leases and permits covering the lands in question, all unused and unleased individual allotments (not separately fenced) are included, the proceeds going into the tribal fund. At a hearing in this office on March 27, 1912, a delegation of Crow Indians to whom the questions of the grazing policy were submitted voted in favor of continuing the present system (only one voting in the negative), and voted unanimously in favor of putting up the leases for competitive bids.

On May 1, 1912 (34781-1912), the department authorized the publication of advertisements calling for bids for grazing privileges under the leasing system on districts numbered 1 to 6, inclusive (except No. 3), for a three-year period, beginning February 1, 1913. The bids are to be received until 2 p. m. June 24, 1912, at the Crow Agency, and immediately thereafter opened and forwarded to this office with appropriate recommendations as per the approved form of proposal, a supply of which was sent you for distribution.

In view of the foregoing and the conditions reported by you, this letter will be your authority for prohibiting leasing of individual allotments for grazing within the territory embraced in the tribal grazing districts during the terms of the leases and permits now in effect or that may be hereafter approved. It is believed that this procedure is best for the interests of the tribe as a whole, and that the Indians will readily acquiesce and conform thereto. You will please make the order known to all interested parties and especially acquaint prospective bidders for tribal grazing privileges with its purport, to the end that the best possible offers may be obtained.

Every effort should be made, however, to encourage the Indians to fence their grazing allotments for the use of their own stock.

Respectfully,

F. H. ABBOTT, *Assistant Commissioner.*

(5-HVC-27.)

Mrs. GREY. In other words, if one fences his own land he can not have any annuity.

Now, here is the agent's letter—

Representative BURKE. He recommended substantially what you read. Read that portion of Mr. Scott's letter where he states why he thinks it is impracticable.

Mrs. GREY (reading):

The situation is this: If these leases are allowed, they will absorb all the water now available and the large tribal lessees will be forced to retire, and in their stead we will have to deal with some scores of small operators, who will use the allotments for a base and forage over the entire range.

* * * * *

About 700 of the 2,300 allotments are now "dead Indian lands," and in all of these hearings would be necessary in order to determine the heirs, to whom rental would have to be paid, frequently in sums so small as to be out of all proportion to the work required. (Letter of W. W. Scott, superintendent, Crow Agency, Mont., to the Commissioner of Indian Affairs, dated May 13, 1912.)

Senator TOWNSEND. I think I understand clearly the contest between the department and the Indians on that proposition.

Mrs. GREY. Now, they say he may fence it all for his own stock. The Crow Indians have no stock. I have the disbursements here from the Treasury to show the number of stock that they have sold in the last two years, but it would not be what 20,000 acres would support; so that they have no stock. That is solely because they have no place to put their stock. They can not get their allotments. Then, in 1910, without the consent of the Indians—which was illegal—they leased their grazing land to Heinrich, so that now Heinrich has the land where their cattle have been running heretofore, and he brands and ships and handles their cattle for them.

Senator TOWNSEND. Did not the Indians that were here want to buy cattle, or want the Government to buy cattle for them?

Mrs. GREY. The Indian Bureau is buying cattle for the Indians, I suppose, to be delivered—probably being delivered now. They are being thrown right in here [indicating on the map]. All of this was originally their range.

Senator TOWNSEND. Was there not opposition by somebody to their buying cattle up there?

Mrs. GREY. I objected to their buying cattle last year, because the range had been fed over by sheep all the winter, and because they would have to throw their cattle right in with the Heinrich cattle. It was Senator Stone who made the suggestion to Secretary Lane that they put off the purchase. That was the time they said the range had been eaten off by the grasshoppers.

Representative BURKE. How many cattle are on the reservation, or have been, under permit or the leasing system?

Mrs. GREY. Nobody knows, Mr. Burke.

Representative BURKE. About how many?

Mrs. GREY. I would not dare to try to guess.

Representative BURKE. Several thousand?

Mrs. GREY. Oh, up in the neighborhood of 50,000. That was one thing I was going to take up to-night. The number of cattle is never counted. Nobody knows how many cattle are there. They are put on and taken off all through the year. There is no data to show what there is there.

Senator LANE. Have you more cases like the Little Nest case?

Mrs. GREY. Yes. Bright Wings—

Senator LANE. Can you call attention to them?

Mrs. GREY. I did the other night. It is every Indian on the reservation practically.

Senator LANE. Mrs. Grey brought up the point that in leasing or giving a permit for the use of this land, the land is let on the basis of so much per head. Is that right?

Mr. MERITT. Yes, sir.

Senator LANE. And that the only means they have of knowing how many head are going to be put upon the range is the estimate furnished, not by the Indian Bureau or checked by any of their representatives, but the statement of the lessee. That is accepted by the office, so far as the records show. That is what you were saying to me?

Mrs. GREY. Yes.

Mr. MERITT. We also take into consideration the recommendation of the superintendent and the report of the superintendent.

Senator LANE. Not on the number of cattle, except the statement of the lessee.

Senator TOWNSEND. When Mr. Scott was here he testified on this subject, and he said that the Indians themselves furnish men in the branding and shipping seasons, etc., to go with them—

Senator LANE. That is not the point, Senator Townsend. The point Mrs. Grey makes is that in entering into these new permits, which were entered into this year, and now accepted—are they not?

Mr. MERITT. Yes.

Senator LANE (continuing). That the only estimates they have of the number of cattle are the estimates furnished by the lessee, without any countercheck or O. K. by any official of the Government, so far as official documents show. Is that what you were making a statement about?

Mrs. GREY. Yes; I have some testimony here. I would like to answer Senator Townsend's statement there. They have two men with each round-up wagon. How many of them were there? About eight, I think. They were all chosen by Heinrich, and they live at his camp, and they are everyone of them men that the Indians do not want there. In all these permits the lessee himself agrees to pay the expenses. He should do it, but in spite of that they pay it out of the Indians' fund. The Indians have practically no cattle there that they are handling; they are handling the lessees' cattle.

Mr. MERITT. I may say, Mr. Chairman, that on the Crow Reservation, as well as on other reservations, we have what are known as

round-ups. The cattle are counted by representatives of the lessees as well as a representative of the Government; and the lessees are also required to submit affidavits as to the number of cattle they have on the reservation.

Senator LANE. What Mrs. Grey was calling attention to was that after making permits for this year you gave such permit for having a round-up without having counted in the cattle, but on the mere statement of the lessee.

Mrs. GREY. And we have the affidavits here.

Senator LANE. And there is no check anywhere.

Mr. MERITT. Those cattle will be rounded up, and they will be checked up, and if there are any surplus cattle on the reservation the lessee will be required to pay for the surplus cattle.

Representative STEPHENS. They can not be rounded up until the proper season.

Mrs. GREY. These cattle come in from the outside, and it has been charged for the last 20 years that they run cattle there, and there has never been any action taken, and nobody knows how many cattle are on that reservation.

When I was there, two year ago, Indians came into the agent's office, and this was the statement of the agent himself. I want to read this into the record to show what has been done. This evidence was taken October 25, 1912. I went over the reservation at that time; it was while I was with the Graham committee. I went over the reservation at that time with the Indians, and there was such complaint everywhere about these lessees' cattle. Mr. Scott was just a new man there, and I wrote him a letter telling him I thought it was unfair for me to be going around and seeing this, and I would like to have him set a time to see these Indians in his office and listen to the complaints they were making to me, and this hearing grew out of that meeting.

I want to read the evidence that was taken the next day. This was the stock inspector's evidence. Mr. Scott first questioned the witness—

Senator TOWNSEND. Who was the witness?

Mrs. GREY. Mr. Campbell. (Reading:)

(Mrs. Grey questioning:)

Q. Mr. Campbell, what is your occupation?—A. Superintendent of live stock.

Q. Your salary?—A. \$100 a month.

Q. Are you a farmer, too?—A. Why, I am anything.

Q. Well, I don't understand what you mean.—A. It is this way: We have work here that has got to be done, and there is no one to carry out that special work, so I feel it is my duty that when anything comes up, regardless of what my title is, that it is my duty to do the work when I can.

Q. You say you have a title. What do you mean, exactly?—A. Superintendent of live stock.

Q. What are the duties of the superintendent of live stock?—A. To inspect all live stock that is sold here by the Indians; to inspect before horses leave the State.

Q. You never fail to inspect? You are never attending to something else when horses or cattle are shipped?—A. I try to be there.

Q. Then, when the lessee is putting his cattle on the reservation, you are not expected to count them?—A. Yes.

Q. You don't count increase in a lease?—A. First year: no.

Q. I mean the cattle paid for.—A. There they have the cattle that were in before the lease was made.

Q. But you have no idea how many cattle you have on the reservation?—A. I do not know if I could give the number of cattle on the reservation.

Q. As an inspector, you should know?—A. Cattle counted at all should have the number—

Q. There are some lessees who care to pay for the maximum. Have you ever read the lease?—A. I have seen copies of them. Mr. Spear has one and Mr. Heinrich has the other.

Q. Do you inspect sheep?—A. Stock does not include sheep.

Q. Are you an inspector for the entire reservation?—A. Yes, ma'am.

Q. Don't you know how they pay for their sheep? Has it never been called to your attention as superintendent of live stock? Are you supposed to know what the leases are?—A. Yes.

Q. You should know, then, what sheep are put off and what sheep are put on. How can you inspect the stock unless you know these things?—A. I didn't believe it is my duty. I know my duties.

He did not inspect any of the sheep on the reservation, because the sheep were not "stock." At another place he said, and the agent agreed, that they had no data of any kind whatsoever to show how many cattle or sheep were on that reservation.

Senator LANE. You made a complaint to the effect that in throwing on these cattle for the Indians they would go in among the cattle of the lessees?

Mrs. GREY. Yes.

Senator LANE. And then your complaint was, as I understood it, that inasmuch as they had not counted the cattle of the lessee and had only his count for it they would not know when they came to separate them how many cattle he really had on there and they were liable to lose—

Mrs. GREY (interposing). Especially as it is the history of that reservation that the Indians' cattle have disappeared and are disappearing all the time.

Senator LANE. Now, is it not a fact that they made a lease for a number of cattle which they do not count or estimate?

Mrs. GREY. I do not know of any time since I have known of the Crow Reservation that there has been an official count made in the Indian Office.

Senator LANE. Was there any in this last lease?

Mrs. GREY. No, sir.

Senator LANE. Are the Indians' cattle going on to the same land as these cattle?

Mrs. GREY. So far as I know they are going on there with this man Campbell as live-stock inspector, and Jenkins is no better as superintendent of live stock.

Representative BURKE. Is it not the intention to put the Indians' cattle up in this area north of that fence that is being constructed?

Mrs. GREY. Yes; but Heinrich's cattle have not been removed from below the fence yet, they are in there and defy the Indians to get them off.

You had the letter, Senator Lane, where he will have until July to get them off. They will give Heinrich the right to ship off from that land, and there is a universal charge against Heinrich that he brands the Indians' cattle. We have a hide on the way here now with the brand on it. There is no question that it is an Indian's steer branded with Heinrich's brand.

Mr. MERITT. I might say that the Commissioner is requiring Mr. Heinrich to remove his cattle now in order to make room for the cattle purchased for the Indians. Mr. Heinrich has been required to remove his cattle by June 1, but I believe he said that would be

physically impossible—he was getting the cattle off as fast as he could. The Commissioner extended the time to June 15, if I remember. We are expecting the Indians' cattle to be shipped there at almost any time. I do not know whether they are on the reservation at this time or not.

Senator LANE. That is the complaint Mrs. Grey made that the lessee's cattle remained on the same range.

Mr. MERITT. I think that is not true, Mr. Chairman. The Indians' cattle were not dumped in with the cattle of Mr. Heinrich.

Senator LANE. I know; but they are all on the same range, are they not?

Mr. MERITT. Mr. Heinrich is required to move his cattle above the fence.

Senator LANE. But not until the last of June, and in the meantime you are throwing cattle on the same side of the fence that his cattle are now on?

Representative BURKE. I do not think that is serious. They would all be branded.

Mrs. GREY. They are not all branded; and if the man has been stealing the Indians' cattle—

Representative BURKE. You do not mean to say they are putting Indian cattle on there without branding them?

Mrs. GREY. In my abstract of cattle sales there is \$7,000 worth of cattle, I think, of which pretty nearly \$2,000 is unbranded; that is, those that were shipped. Is not that right?

Senator LANE. Whom are you confirming this by?

Mrs. GREY. The Assistant Auditor from the Treasury.

Representative STEPHENS. Has he seen the cattle?

Mrs. GREY. We have the abstracts of disbursements.

Representative STEPHENS. Whose cattle is it that are not branded?

Mrs. GREY. The Indians' cattle. They are branded "I D," but nothing else.

Representative BURKE. It would be easily determined that they were not Heinrich's cattle, if they have the "I D" brand on them.

Representative STEPHENS. Is not the last brand the holding brand?

Mrs. GREY. That is the idea; yes. These were not properly branded, because "I D" is not the Indians' brand. If you were an Indian, would you be satisfied if your Indian cattle had merely "I D" on them?

Representative BURKE. You are speaking of Indian cattle?

Mrs. GREY. Yes. They are all Indian cattle.

Representative STEPHENS. Do you state that these cattle belong to the individual Indians, not to the tribe?

Mrs. GREY. Yes; you have got my idea. The cattle that were shipped with no name on them except "I D" were shipped two years ago, and this last year they are receiving shipments. The cattle that are coming in will be branded "I D," but the cattle that were shipped were all Indian cattle. There was no trouble there until these cattle were put on.

Representative STEPHENS. How do the Indians brand their individual cattle?

Mrs. GREY. They are not permitted to brand their own cattle. The cattle run with the lessees', and the lessees brand them.

Representative STEPHENS. How do you know that Heinrich or the lessees get the Indians' cattle unless the Indians' cattle were branded; unless they knew them by the flesh marks?

Mrs. GREY. The Indians' cattle are gone.

Representative STEPHENS. Well, but do they not die up there; do they not run away? Because they are gone, is that any evidence that they have been stolen by Heinrich?

Mrs. GREY. When you see an Indian steer occasionally with a big calf brand of the individual Indian and the little tally mark of Heinrich, you feel pretty sure that there has been a change of brand. I have seen a number of them, especially when the brand is not healed. Horses the same. And when the Indian cattle have absolutely no increase, and never do have, and disappear, and the lessees' cattle—Heinrich went there in, I think, 1898, with 75 head of cattle. He is now running on two big ranges; he has increased that much—23,000 on No. 5 and 1,500 on No. 6.

Representative STEPHENS. I knew a man that went there with 8,000 head of cattle and did not get out 500 the next spring.

Mrs. GREY. Was it on the Crow Reservation?

Representative STEPHENS. No; but it was in the same country. It was in Montana. His name is C. C. Herring.

Mrs. GREY. The Crow Reservation differs from that. They have the Chinook winds on Crow, and the waters up in this range—they have the warm springs and they do not freeze. This is different from that range up toward Glendive, an altogether different range.

Why, Mr. Stephens, when I was out there it was generally stated by big cattlemen there that Rosenbaum offered Frank Heinrich \$1,000,000 flat for the cattle he had on the reservation, and he would not take it.

Senator LANE. What do you want to present here? You were going to mention some other lease?

Mrs. GREY. I wanted to find that letter of the commissioner, if I could.

Senator TOWNSEND. What was it about?

Mrs. GREY. About letting Heinrich keep his cattle there through July—2,000 head.

Representative STEPHENS. This year?

Mrs. GREY. Yes; after the Indian cattle get there. That is what Mr. Meritt said.

TESTIMONY OF MR. Z. LEWIS DALBY.

(The witness was duly sworn by Senator Lane.)

Mr. DALBY. Mr. Chairman, I happen to represent Mr. Heinrich. I do not rise for the purpose of making a statement of fact, but for asking the committee if I might make a statement for Mr. Heinrich. Of course I will swear that what I say is true as an attorney knows the facts relating to his client's business. I think I might enlighten the committee as to this particular situation under discussion.

Senator LANE. I think we had better get through with Mrs. Grey.

Mr. DALBY. The matter was up, was why I rose at this time.

Mrs. GREY. It might be a good plan to let Mr. Dalby make his statement, and I will answer him out of the record.

Mr. DALBY. I merely thought I could explain this cattle situation—the introduction of new cattle.

Senator TOWNSEND. Can you answer what Mrs. Grey is trying to find there, whether he has permission to use this range until the 1st of July?

Mr. DALBY. I think I can. I think I can explain that situation to you.

Senator TOWNSEND. You might answer, if you know, what time he is permitted to remain on this land.

Mr. DALBY. A letter such as Mrs. Grey has described was written; that is, that Mr. Heinrich should have his cattle off the range north of the fence by the 1st of July, but if it should not be possible to get them off by that time they should all be off, except a margin of 2,000, which must be removed during the month of July. That letter was written on the 24th of April.

Subsequent to that letter, however, Mr. Heinrich was directed to proceed at once with the removal of his cattle and to get them off by the 1st of June, without any leeway whatever. Mr. Heinrich has proceeded, as soon as he could get his equipment together, after receiving that communication, to remove his cattle. You doubtless know that it is a difficult matter—perhaps you may know it is an impossible matter to remove 15,000 head of cattle within a few days without notice. He had to gather his equipment. As soon as he gets his equipment together he can work. He is now at work removing those cattle.

Senator LANE. The Indians complain that they stayed on there long enough to eat up a lot of the spring grass, and then during the dry end of the season their cattle would be without grass.

Mrs. GREY. May I ask Mr. Dalby if Heinrich has only had a few days' notice to get his cattle up?

Mr. DALBY. The notice I referred to was dated the 8th of May. It was in a letter addressed to me as his attorney. I communicated with the bureau as soon as I received that letter, which was the 9th of May. On the 20th of May—he did not receive my wire until, I think, about the 13th or 14th—he was engaged in the herculean task of readjusting his herds to the new conditions imposed upon him. He was here and there, and, as far as possible, everywhere on that range, endeavoring to meet the requirements of the department.

When he received that communication, however, he got to work. He began removing those cattle on the 20th of May, although the conditions were not right for removing them, although the removal of them will involve to him an immense loss; although he had proceeded in good faith, under the arrangement negotiated with the Government to which Mrs. Grey has referred, dated the 24th of April, whereby he was allowed until the 1st of July to get his cattle off, with a possible margin of 2,000, that being set as the irreducible minimum within which that readjustment could be made without a sacrificial loss to Mr. Heinrich.

Mrs. GREY. Mr. Dalby, was not Mr. Heinrich notified to remove his cattle last year in April, a year ago?

Mr. DALBY. No.

Mrs. GREY. He certainly was, before the fence was built. He knew the fence was being built, didn't he?

Senator LANE. Yes; but he had the old leases, Mrs. Grey.

Mr. DALBY. Yes; he knew the fence was being built.

Mrs. GREY. Yes; but he has paid nothing for that range for months. His rate was reduced, and the fence was built, and they have been paying a line rider with Indian money to keep his cattle up above the fence for several months. It is not a new question at all. The matter was up, and the cattle were ordered purchased last April a year ago. At that time Heinrich knew these cattle were coming there. He never had that lease legally anyway, and never had any right to be on that land.

Well, now, as to the price Heinrich has been paying, it has been very much reduced—the range had. Might Mr. Dalby be asked to tell what Heinrich is paying for the range?

Senator LANE. That is in the terms of the lease, is it not? That was \$2.25 a head, was it not?

Mrs. GREY. Yes; but it amounts to \$15,000, and how many head is he running there?

Senator LANE. Do you know, Mr. Dalby?

Mr. DALBY. He has on the reservation now about 21,000 head. His original permit covered an average of 23,000 head. After he was advised of the intention of the department to purchase cattle, he got in touch with the Indian Office, through myself as attorney, last spring, and signified to the office that he was ready to meet the views of the Government in the reduction of his range; and he simply asked that he be informed as soon as possible what those views were in order that he might have as much opportunity as would be possible to meet those conditions without a serious financial loss to himself in having to ship his cattle off upon an unready market with the cattle unready for market.

At that time the Indian Office stated that they expected to buy some cattle in the fall, and that Mr. Heinrich would not be permitted to replace the cattle which he shipped off in the fall. Subsequently, when the bids were opened, in August, they were all rejected, and after that new bids were called for, and, as I understand, some time in the winter—in December, I think it was; November or December—contracts were made for additional cattle, not for additional cattle, but for cattle for the Indians, some 9,000 head. Mr. Heinrich has never received any official notification to reduce his holding beyond that informal notification when I came in contact with the department last spring, which was to the effect that he would not be permitted to replace the cattle which he shipped off in the fall. He did not replace the cattle that he shipped off in the fall.

More than that, he had at that time under contract for delivery upon the reservation about, I think, 1,800 head of cattle in order to make up the average to which he was entitled under his permit. Upon learning the wishes of the department, that he would not be allowed to replenish his herds after shipping out, he made other arrangements for that 1,800 head, turned them over to somebody else, and they never went on that range. So that he now has no cattle upon that range except the remnant of his stock herd, and the increases, of course, which have occurred since that time. He has brought no cattle on since he learned of the intention of the department to reduce his holdings.

Representative BURKE. What rental is he paying now for the cattle he has there?

Mr. DALBY. He is paying the permit rate, sir.

Representative BURKE. \$2.25?

Mr. DALBY. Whatever that is.

Representative BURKE. Does not that permit limit the number to 15,000, estimated?

Mr. DALBY. No, sir.

Mrs. GREY. He pays \$15,000.

Mr. DALBY. The permit is, in effect, for 23,000 head. That permit is still in effect. It has been modified by the reduction of his range, so that he can not run 23,000; but all that are there are subject to that permit, and he pays that permit rate on them.

Senator LANE. What rate?

Mr. DALBY. The rate covered in the permit.

Senator LANE. How much is that?

Mr. DALBY. There are two permits. There is a permit on range No. 6 for \$2.25.

Mrs. GREY. This is No. 5.

Mr. DALBY. On No. 5, as I recall, the rate is \$1.95 per head—

Mrs. GREY. Why is there that difference?

Mr. DALBY (continuing). And \$2 for the number that he runs in excess.

Representative STEPHENS. When does the lease on No. 5 terminate? What is the end of the lease year?

Mr. DALBY. The 1st of February. Both permits began the 1st of February, 1913, and both run for three years.

Now, let me show you on the map, gentlemen, about this change. Last August and September Mr. Heinrich began gathering his cattle and throwing them up—although this is down on the map, it is up in the country. The country rises, this way (indicating) toward the mountains. He began throwing his cattle up from the junction of the rivers there, and got the range clean to about that point, as I recall, by last August or September. I think it was—in the shipping season.

Since that time he has himself been line-riding that place. Perhaps it is lower than that; I am not sure. At any rate, it is about 150,000 acres of range that has been cleared since last August or September. There are no cattle at all there of the Indians or of Mr. Heinrich, because they were thrown up here to make room for the new cattle purchased.

The arrangement that we discussed, at the request of the commissioner, when Mr. Heinrich came here in April for that purpose, with Mr. Davis, the stock inspector, and Mr. Campbell, and Mr. Weekley, who are here this evening, was that as soon as the conditions should be right for that, as soon as the cattle should have sufficiently shed off for the brands to be distinguished, and the grass had sufficiently grown, and the cattle had acquired sufficient strength to justify milling them in the round-up, he would begin his round-up. He would begin working at this edge of his range (indicating), and would clear—that is, at the western edge, next the Big Horn—he would clear that off in successive stages as quickly as possible; so that when the Indian cattle came in here, after having had time to rest and be branded and be driven up here, Mr. Heinrich would have

cleared a sufficient area of range next to the Big Horn here for the permanent location of those cattle. He would continue his work, and by the time the next drive of cattle was ready to come he would have sufficient range for the location of them. And, as well as we could calculate, reasoning as closely as we knew how, by the 1st of July it was problematical whether it would be possible for him to have gotten all those cattle off that range without injuring the cattle in the too-precipitate movement of them. Hence the leeway allowed at that time of 2,000. But, at any rate, he would have this range up here next the fence cleared.

SENATOR TOWNSEND. What benefit would that range be after you had cleared it? Could the Indian cattle be supported on a range that had been fed off by Mr. Heinrich's cattle?

MR. DALBY. The range would not have been eaten off, Senator. The grass is growing at this time of the year. He has taken them off while the grass is growing. Of course, if it were true that the range had been eaten off, it would be a bad place to put the cattle, but that is not true. The range is sufficient there to support more cattle than the total number that Mr. Heinrich has and the number that the Indians are bringing in this season.

MRS. GREY. How can you make that statement? Didn't they cut down the numbers on that range materially, all this range over here [indicating], because it had been overstocked?

MR. DALBY. That is not Mr. Heinrich's range.

MRS. GREY. Now, then, to come back to another thing, Mr. Heinrich pays \$15,000 for the range he is on now, does he not?

MR. DALBY. He pays for the range that he has now, under the existing permit.

MRS. GREY. I mean under the permit that is in existence; the one that has just been negotiated?

MR. DALBY. Well, that permit relates to the range south of the fence, the diminished range. The fence line, I believe, is marked here correctly [referring to the map]. It will come up to that fence on the south.

MRS. GREY. Will you show where that fence comes?

MR. DALBY. The mark is here [indicating]; I do not know whether that is correct.

MRS. GREY. Yes; it is.

MR. DALBY. I think it goes on the township line.

MRS. GREY. A little south of the township line.

MR. DALBY. Wherever it is, he comes up to that fence.

MRS. GREY. What does he pay for this range down here?

MR. DALBY. He would pay \$2 a head.

MRS. GREY. What does it amount to?

MR. DALBY. 7,500 head is the capacity.

MRS. GREY. And it amounts to how much?

MR. DALBY. \$15,000.

MRS. GREY. You say 7,500 head?

MR. DALBY. Yes.

MRS. GREY. Do you remember the old southern range that Heinrich had when you first went on the reservation?

MR. DALBY. I remember generally.

MRS. GREY. Do you remember about where it was?

MR. DALBY. Yes.

Mrs. GREY. This is the line now. The southern range was about like this.

Mr. DALBY. No; I think you are mistaken about that.

Mrs. GREY. Well, we have the map here [referring to map in S. Doc. 445, 60th Cong., 1st sess.].

Mr. DALBY. That would be best, because in my report I made a map which gave the lines of the range as well as I could determine them.

Senator TOWNSEND. What difference does that make?

Mrs. GREY. He is paying about one-half of what he should pay, and if you will allow me I will prove it.

Senator TOWNSEND. If there is a line there that has been established, that is enough for us.

Representative BURKE. If that range south of the fence is only capable of supporting 7,500 head of cattle, what is he going to do with the difference between 7,500 and the number that he has got in that area?

Mr. DALBY. He has to get rid of them.

Representative BURKE. When is he going to get rid of them?

Mr. DALBY. Well, he has to get them off that range.

Representative BURKE. He is getting them off the range north of the fence?

Mr. DALBY. Yes, sir.

Representative BURKE. Where is he going to put them when he gets them off?

Mr. DALBY. Well, I can not answer that question. That is a very difficult problem. That property is probably valued at upward of a million dollars.

Representative BURKE. I appreciate all that. What I am trying to find out is if he only pays \$15,000 on the theory that he is only to have 7,500 head of cattle there, does he continue to pay on a greater number than 7,500 for such time as he has them there at the rate that the permit requires?

Mr. DALBY. There is grazing there for 7,500 head. After that grazing is eaten out there will be no grazing there for the other cattle such as he carries there. Afterwards he will have to have feed for them.

Representative BURKE. You say he is going to get them off soon?

Mr. DALBY. As soon as he can; yes.

Representative BURKE. Where will they be when they are off?

Mr. DALBY. I say I am not prepared to answer that. They will probably have to go to market in their unfinished condition, the effect of which, you realize, will be disastrous.

Representative STEPHENS. Does it not greatly depend upon the kind of season as to whether the grass is early or late? If there is plenty of rain and there is an early spring he will have plenty of grass. If there is no rain you can not work them before July or August.

Mr. DALBY. That is the usual experience. You can begin about the 1st of June ordinarily.

Representative BURKE. Mr. Dalby, is it not to the interest of Mr. Heinrich, inasmuch as he has 21,000 head of cattle and his new permit only allows him to have 7,500, to keep the cattle above the fence just as long as he can and save the range south of the fence?

Mr. DALBY. Naturally.

Senator LANE. Do you know what he pays for that?

Mr. DALBY. I think he paid \$13,000 and some odd.

Senator LANE. That was on an estimate of 7,500 head of cattle at \$2 or thereabouts?

Mr. DALBY. No, sir; that was on the basis of the number of cattle he had on and expected to have on up to August 1. That payment was made on the basis of the then supposition that he would use this range for a reasonable length of time, not interfering with the Indian cattle this season.

Senator LANE. Over what period of time did that give him the use of the land?

Mr. DALBY. From the 1st of February until the 1st of August. To that should be added, Mr. Chairman, an amount that had been paid under the permit last season in excess of what was due.

Senator LANE. No; I am talking about the new permit that is now in force—the last one. What was the payment?

Mr. DALBY. The one I have stated, sir. That is the only payment he has made on this—

Senator LANE. And that is under the permit?

Mr. DALBY. No; that is for the present season.

Senator LANE. Under the terms of the new permit?

Mr. DALBY. The present season. He has made no payment under the new permit. It has not been approved yet.

Senator LANE. Let us see that record there.

Mr. DALBY. The payment was made under the original permit.

Senator LANE. Now, in this permit, dated February 1, 1914, it says that for an average of 7,500 head of horses and cattle, for a period of two years, from February 1, 1914, to February 1, 1916, the minimum amount due under this permit is \$15,000 per annum.

Mr. DALBY. Yes, sir.

Senator LANE. And the permittee further agrees to pay at the rate of \$2 per head per annum for any stock grazed in excess of 7,500 head. That is right, is it?

Mr. DALBY. Those are the terms of that permit; yes, sir.

Senator LANE. That is No. 5. That permit has been accepted, has it not?

Mr. DALBY. Not to my knowledge. I do not know of its approval.

Mrs. GREY. What are you working under there then?

Mr. DALBY. Under the original permit.

Mrs. GREY. Well, the Indian cattle are being delivered now.

Mr. DALBY. This permit is simply, as I suppose, a new instrument in lieu of a modification of the original instrument. The original instrument would continue in effect until this actually takes effect. I suppose it is merely a matter of convenience, substituting one instrument for another, but the terms are identical so far as they go.

Representative BURKE. The Heinrich cattle, you say, number about 21,000?

Mr. DALBY. At present. I said 20,000 or 21,000.

Representative BURKE. How many cattle, if you know, are on the reservation under a sublease with Heinrich of people who may have cattle there?

Mr. DALBY. Mr. Heinrich has never made a sublease, Mr. Commissioner.

Representative BURKE. There are no cattle there over the 21,000 that Mr. Heinrich is responsible for?

Mr. DALBY. That 21,000 includes all that are on the range other than the Indian cattle. Now, among that 21,000 which Mr. Heinrich reports in his affidavit and carries under his permit, are a number of 1,500 head that are run down here [indicating] in what is known as Garvins Basin, by Mr. Booz, or rather by the Basin Cattle Co.

Representative BURKE. Is the Basin Cattle Co. there under a lease or permit from Mr. Heinrich?

Mr. DALBY. No, sir.

Representative BURKE. How do they happen to be there?

Mr. DALBY. They are simply there; and Mr. Heinrich has taken cognizance of their being there, and has collected from them, and has turned their cattle in in his report to the Government.

Representative BURKE. They pay him the same rate?

Mr. DALBY. Yes, sir.

Representative BURKE. Does not his lease provide that he shall not sublet?

Mr. DALBY. He does not sublet, and his lease does not have that requirement.

Representative BURKE. What do you call it, if he is collecting a rental and shipping cattle that belong to somebody else, and accounts for them, and pays the same rate on them that he is paying to the Government?

Mr. DALBY. I should not so regard it. It has not been the custom—

Representative BURKE. How would you consider it if it is not a sublease?

Mr. DALBY. There is not any provision of that kind in the present permit, Mr. Commissioner.

Representative BURKE. I am more concerned in what has transpired than in something that is pending that we have not begun to operate under.

Mr. DALBY. Well, we have begun to operate under that since last February a year ago.

Representative BURKE. Under what?

Mr. DALBY. That permit that is now in effect.

Representative BURKE. How long has this Basin Cattle Co. been there, or Mr. Booz?

Mr. DALBY. I could not say exactly.

Mrs. GREY. Wasn't he there when you first went on the reservation?

Mr. DALBY. I do not know.

Mrs. GREY. You ordered him to take his cattle off?

Mr. DALBY. I never issued such an order.

Representative BURKE. Do you know whether or not the Basin Cattle Co., or Mr. Booz, has paid to Mr. Heinrich the same amount per head and no more that Mr. Heinrich pays to the Government?

Mr. DALBY. And interest on the money, Mr. Heinrich having paid it in advance and having collected from them three years afterwards.

Representative BURKE. How much more does he pay, then?

Mr. DALBY. Whatever that interest amounts to.

Representative BURKE. You say he ships the cattle and looks after them?

Mr. DALBY. No; I do not say that, Mr. Commissioner. Mr. Heinrich does not handle these cattle. They are upon a part of the range that is inaccessible to him.

Representative BURKE. They are on a part of the range that is included in the original Heinrich lease, are they not?

Mr. DALBY. Yes; it is covered in the original lease.

Representative BURKE. They did not go on there without Mr. Heinrich's permission?

Mr. DALBY. Yes, sir; he found them there.

Representative BURKE. He found them there when he entered on the reservation?

Mr. DALBY. When he entered on the reservation, after his lease was made, and he reported those always in his affidavits.

Representative BURKE. I understand. I am not questioning the fact that he paid the Government the same rate per head that he was paying on his own cattle, but I want to find out whether or not he was getting a profit from the Basin Cattle Co. or from Mr. Booz for those cattle.

Mr. DALBY. I can answer that question unequivocally no; he was not.

Mrs. GREY. Now, Mr. Burke, Mr. Dalby is under oath. He knows perfectly the facts in this matter. He is deliberately making a misstatement. Mr. Booz brought here the bills. He brought the shipping receipts and the letters showing what he was paying, and he estimated he was paying over \$4 a head.

Representative BURKE. Whom did he bring that to?

Mrs. GREY. To this commission. It was put in his testimony, and it is part of this record.

Representative BURKE. Were you here, Mr. Stephens?

Representative STEPHENS. I was here when he was here. I think he was here two or three nights. I was here only one night when he was here.

Representative BURKE. Were you here, Mr. Dalby?

Mr. DALBY. No, sir. I had notice of the last meeting, and that was the first I knew of it.

Representative BURKE. What I wanted to find out is this. The lease provides that there shall be no subletting. I want to find out if there was, and then what the terms were with the sublessees.

Mr. DALBY. Would you be able to define what would be a sublease under that?

Representative BURKE. I should call it a sublease; I do not know what else you would call it. It is a very common thing in our country where a company leases pastures, as we call them, and pays so much per acre, as was the custom until a new arrangement was made, for that lessee to take from other people cattle at so much per head. I would call it subleasing, but I think it was permitted in the cases I have in mind.

Now, I understand that this lease did not provide for any subletting, and I wanted to find out, if I could, under what arrangement the Basin Cattle Co. or Mr. Booz was operating.

Mr. DALBY. You say it was permitted?

Representative BURKE. I think it was there.

Mr. DALBY. The same form has been used throughout the service, I am advised.

Mrs. GREY. Mr. Dalby, you know perfectly well it was not permitted.

Representative BURKE. It was not permitted under this lease; I know that. I do not know anything about these other leases.

Mr. DALBY. The practice, as I am advised, in all these permits or leases, has been that a man will have cattle belonging to other men on the same range with his, but he alone is responsible to the Government. The Government knows him only; it does not know anyone else, and it is not material to the Government that A owns the cattle and that B accounts to the Government and runs them.

Representative BURKE. Then, I understand, that it is your contention that with such a lease as Mr. Heinrich had, which provided that he should not sublet, he was expected or permitted to take in other cattle on any terms that he saw fit, and that it would not be a violation of the lease?

Mr. DALBY. No; I would not make that contention. I would not feel that I would have to make that contention, as Mr. Heinrich certainly never did that.

Representative BURKE. You say it has been the custom for a man to make the lease with the Indian Office on the theory that it preferred to do business with one individual, and that it was immaterial whose cattle were there so long as they were paid for it? Now, if that is true, and if it was immaterial, then the department must have acquiesced in it and said to the lessee, "You have that right under your lease." And that you do not think is subletting?

Mr. DALBY. The department, I think, has substantially done that in many cases on the Crow Reservation, and Mr. Heinrich may have fallen into a practice that is common there.

Representative BURKE. I am not saying anything about the system; I am trying to find out what it is. I can readily understand that if I owned the land myself I might be disposed to make one general lease at so much per head to a responsible party, rather than to be dealing with numerous individuals; but I want to find out what was done.

Mr. DALBY. Mr. Heinrich has run his own cattle upon this range. This is a peculiar situation, down in this Garvin Basin across the Big Horn Mountains. It is inaccessible from the rest of the reservation, except for a short time during the summer. If Mr. Heinrich of anyone else using this range north of the mountains should get cattle over in the Garvin Basin and get them caught there, and did not get them back the same season, they would be inclosed there, and there would be no way to take care of them unless you had a base of supplies on the other side of the mountains.

Now, it happens that this Basin Cattle Co. has such a base of supplies across there, and they had, prior to Mr. Heinrich's taking up this question, used this, apparently for a good many years, without any compensation, judging by Mr. Booz's testimony, which I have gone over.

Mrs. GREY. Mr. Booz never made such a statement.

Mr. DALBY. Now, since Mr. Heinrich has been there he has collected for those cattle and turned the money over to the Government that he has collected, so there has been a revenue there from that part of the reservation that did not arise before.

Senator LANE. How is that? That he paid——

Mrs. GREY. That he never had paid anything, whereas Mr. Booz's statement was that he paid the agent directly for everything he had.

Senator LANE. Here is his testimony here.

Representative BURKE. Does he testify that he paid it direct?

Senator LANE. Yes.

Representative BURKE. What does he say?

Representative STEPHENS. Who was on this range first—Booz or Heinrich?

Mr. DALBY. Mr. Heinrich has never occupied that range down in the Garvin Basin.

Senator LANE. Is he the lessee for it?

Mr. DALBY. Yes; it was covered in his lease for which he paid the Government beginning in 1910. Now, at that time he would have had the right to go down there and say to Mr. Booz, "This is my range; you must get off of it." He would have been able to take advantage of Mr. Booz and could have taken his cattle away from him, but he did not do that. They had the cattle down there. Mr. Snidow and Mr. Booz were working together, I believe; and out of consideration, I think, more for Snidow than Booz, Mr. Heinrich permitted them to continue as they were, provided they would save him whole to the Government. Now, that is exactly all that he did.

Representative STEPHENS. Then, do you mean to say that the Government has never put him into possession of that tract of land that Mr. Booz has?

Mr. DALBY. Not in the sense of excluding a previous trespasser; no, sir.

Representative STEPHENS. There was a trespasser on the land that he leased? That trespasser has never been dispossessed, and he is there yet?

Mr. DALBY. So I am advised. But since Mr. Heinrich has been collecting from that trespasser he has turned the money in to the Government.

Representative STEPHENS. Does his affidavit show those facts?

Mr. DALBY. I do not know whether it shows that these people were trespassers in the Garvin Basin. I do not think the affidavits have ever gone into details of that character.

Representative STEPHENS. As a matter of fact, has he ever had actual possession of that piece of land that Mr. Booz has?

Mr. DALBY. No, sir.

Representative STEPHENS. He has never had cattle on it? Mr. Booz has had it all the while?

Mr. DALBY. Yes, sir; that is my information.

Representative STEPHENS. That is the way I understood Mr. Booz's testimony. It is cut off entirely from the rest of the range and has nothing whatever to do with it. It is a piece of range that this Mr. Heinrich has never had possession of.

Senator LANE. He has been collecting rent on it, has he not?

Mrs. GREY. Yes; he has.

Representative STEPHENS. It was the duty of the Government to put him in possession of it in the first place.

Senator LANE. At the same time, the Government has not put him in possession of it; yet it is acknowledged by him that he has collected rent for the use of it the same as if he were in possession of it.

Mr. DALBY. I have stated the facts as I understand them.

Senator LANE. He could not collect rent from something he was not in possession of, could he? You would not try to do that yourself, would you, as an attorney?

Mr. DALBY. I have stated exactly what was done.

Senator LANE. Here is what Mr. Booz says:

Representative STEPHENS. Did you ever ask him anything about it?

Mr. Booz. I never did. I have not seen Frank Heinrich for over a year. A year ago last February I had a check book there, and I said, "Let's settle up this lease and get it straight." He said, "Wait until I see Snidow, and we will get together and settle it." Snidow and Heinrich met in Billings and settled it—\$15,333 for about four years, for the lease.

Senator LANE. When you shipped his cattle, to whom did he tell you to have the payment made?

Mr. Booz. Well, this was Will Heinrich. His brother attended to the shipping. He told me to send it to the bank at Omaha, the Bostwick Bank. I have forgotten the name of the man, but I told the commission man to send the money to the bank at Omaha.

Senator LANE. Do you understand that Mr. Bostwick has control of these cattle?

Mr. Booz. Well, Mr. Bostwick told me that he and Frank Heinrich owned the outfit, and he says, "When you get ready to sell your outfit give us a chance at it." That was three years ago last July.

Senator LANE. Is it your understanding that Mr. Bostwick controls the entire range on the reserve?

Mr. Booz. His money does. I am confident of that—the biggest part of it. We don't do business with Bostwick; still he has tried me several time to lend me money. I thanked him and told him that I did not need it.

Then in another place he says:

Senator LANE. How does the range you sublease from Mr. Heinrich compare with the rest of the land on which Mr. Heinrich ranges his cattle?

Mr. Booz. There is no comparison. His range is a year-round range, and mine is just a winter range, used during the winter.

Senator LANE. You pay that much per head just for the winter?

Mr. Booz. Just for the winter.

Senator LANE. For half the time?

Mr. Booz. Just about half the time.

Senator LANE. When your cattle mix with Mr. Heinrich's and he ships them, what does he charge you?

Mr. Booz. He charges me \$1.50 a head, until Mrs. Grey came out and had a kind of meeting—I don't know what it was, but after that he took off the \$1.50 a head and did not charge me any more.

Mrs. GREY. He means \$4.50.

Mr. Booz. \$3.50 a head. He charged me \$3.50 a head for shipping. He figured it so much for gathering them, so much for range, and it made \$3.50, you know. I have not got one of his cards here with his shipping on it, but I can show you here—well, I can show you right here on the shipping bill.

Senator LANE. That is, when he collects, is it, when you ship?

Mr. Booz. Yes, sir; it is held out in Chicago. Here is some that he shipped [producing shipping bills].

Mr. DALBY. Mr. Chairman, I looked over this pretty carefully, and I did not see any items in there corresponding to his statement. I might call your attention to the statement he makes there that what he has is a winter range, as distinguished from an all-year round range. If a range is good in the winter it must be good in the

summer. If it is a winter range it is the best kind of range. The fact that he can use it in winter as wintering quarters for his cattle that he may range elsewhere during the summer enhances the value of that range.

Senator LANE. You mean to say that if he can range on it in the winter he can range on it in the summer?

Mr. DALBY. Ordinarily I think that is true, Senator.

Senator LANE. It may or may not be true.

Representative STEPHENS. I understood his testimony to be that they had some other range in the summer, and they reserved this part of this tract of land, which is pretty well up in the mountains, for a winter range.

Mrs. GREY. This is a winter range; it is up in the mountains.

Mr. DALBY. That is the point. You use in the summer what you can not use in the winter, and that is the character of this Garvin Basin.

Mrs. GREY. I have Mr. Booz's affidavit here as to how much he paid. Mr. Dalby said Mr. Booz was paying nothing for the range. This is from Mr. Booz's affidavit:

I leased first from the Government through the agent, Reynolds, at Crow Agency, and paid the sum of \$250 a year, I think it was, going in on the lease with 307 head of cattle.

So Mr. Booz testified at that time that he never was, as Mr. Dalby said, on the range without paying for it.

Mr. DALBY. I will say to the commission that my statement that he had not made a payment prior to that time was based on my understanding of his own testimony. If I am mistaken in that, I give you the basis of my statement.

Senator LANE. The meat of the statement made by Mr. Booz was that Heinrich leased the land from the Government for \$2 a head and Mr. Booz paid him \$3.50.

Mr. DALBY. That is not true.

Representative BURKE. Senator, I notice that at a former hearing the chairman interrogated Mr. Scott, and it developed that a lease of one Spear, I think, who was running sheep, did allow sheep to be ranged on the area that he had leased, and Mr. Scott took the position that he did not think that was subletting, and the chairman commented and said it was an evasion, and Mr. Scott made the following statement:

The CHAIRMAN. Did he call attention to the fact that Heinrich was especially practicing the subletting system?

Mr. SCOTT. There may have been some conversation as to that; I do not recall it.

The CHAIRMAN. As a matter of fact, you told Heinrich that it was your general policy to encourage this plan, did you not?

Mr. SCOTT. I think you misunderstood me. I did not intend to say that we encouraged that. In fact we would much prefer if that was not done; and we discouraged it as far as possible.

Senator TOWNSEND. Do you not think that there are quite a number of those subleases in that way—call them by what name you please?

Mr. SCOTT. I think not.

Senator TOWNSEND. Was the Heinrich lease cut down?

Mr. SCOTT. It will be on the 1st of February.

Senator TOWNSEND. Is that because he had been subleasing part of it?

Mr. SCOTT. No, sir.

Senator TOWNSEND. That is not true?

Mr. SCOTT. No, sir; not at all. I want to say that I asked Mr. Heinrich only a short time ago if he had any arrangement under which anyone was running stock on his range, and he assured me very emphatically not. And, as I say, I have a great deal of confidence in Mr. Heinrich.

That is the statement of Mr. Scott.

Mrs. GREY. Then you will recall that I gave in the shipping receipt for the Basin Cattle Co. from Aberdeen, and Mr. Scott did not know where Aberdeen was; he could not recognize it as a shipping receipt. He said there was no such thing there.

(The witness submitted the affidavit referred to in full, as follows:)

I have been on the Crow Reservation off and on for 21 years and am now a member of the Basin Cattle Co. The conditions of the Indians when I went there were good, and they had about 13,000 head of cattle and between 25,000 and 30,000 horses, estimated. At the present time the Indians are in destitute condition and I have been told by other Indians that they are eating dog. Horses are scarce, the cattle is very near gone, and the reason is because the range has been overstocked by the lessees. The Indians are poor because they can not have control of their allotments.

The lessees gather big herds of cattle and get to the road in the nearest way. The fences are in the way. There are no gates. They cut the wire and throw it back and go through. I have seen Indians put in gardens and have them in nice shape; go back across the reservation and they would be full of cattle and everything trampled down. The gardens would be full of lessee's cattle. The lessees hold certain parts of the reservation for winter pasture and drive out the Indian cattle.

The Indians are poor because the lessees will not buy all the surplus hay from the Indians. They refuse to buy hay from some of the Indians and the squaw men. When the lessees would drive big herds across the range they would leave the fences cut, and the cattle would scatter for 25 miles from their ranges to the top of the mountain.

The lessee rounds up and brands cattle in the spring and summer. The Indians do not run a wagon. The lessees round up the Indians' and their own cattle. The lessees leave cows and calves unbranded on the range. In the spring they round up, and the calves that they leave on the range unbranded are yearlings the following summer and fall, and the lessees put their own individual brand upon them.

Three years ago last August, the 28th, the Basin Cattle Co. and Will Heinrich had shipments from the Crow Reservation in the yard at Lincoln, Nebr., feeding. There were two carolads of mixed stuff shipped from the Crow Reservation by Heinrich—I D cattle mixed with the two loads. The two loads were called the stray bunch. They were partly I D cattle, from yearlings up. The records of this ought to be shown on the record brand books in Chicago, and the weight of the cattle will show the age.

Campbell is inspector on the reservation. I have never seen him inspect any cattle in the 13 years past, nor horses either. There have been sent to the Crow Agency circulars of horse sales. Campbell has never been present at a sale that I have heard of. When I was shipping cattle off the reservation Campbell has never inspected anything in the cattle shipments or any other employe. I am always present at the shipping. Campbell is a man who likes whisky mighty well. I have seen him drunk more than I have seen him sober. The boss farmer of this district is Schrader. He is a mighty worthless man; that is my opinion of him. I have never seen him measuring hay or helping the Indians in any way, shape, or form. I have seen him lying around in summer resorts along the creeks.

I am subleasing from Frank Heinrich. My range is what is called the dry corner, west of the Big Horn Mountains and east of the Big Horn River, as shown by the diagram on the map. It consists of about 15,000 acres. I leased first from the Government through the agent, Reynolds, at Crow Agency, and paid the sum of \$250 a year. I think it was, going in on the lease with 307 head of cattle. That was the basin from which the 745 I D cattle were stolen and the brand burned out. Mr. Reynolds considered me an honest man, and that was why he let me have it. He said he let me have it because he knew that I would keep the thieving off the reservation.

About four years ago Heinrich notified me that he had the reservation and that I could still hold the dry corner by paying him. Nothing was said until he demanded \$4,333, which the Basin Cattle Co. paid. The Basin Cattle Co. paid him \$11,000 more besides the \$4,333 check, and he still claims that we owe him \$1,500, due August 1, which makes \$16,833 for the use of about 45,000 acres. Since 1910 this range is used only for winter—five or six months of the year—because it has no water in summer. I pay for 1,400 head of cattle on the forest reserve 27 cents a season a head, from 90 to 120 days, and also use the public domain. When Heinrich shipped my cattle he charged me \$3.50 up until September 1. From that on he never charged me anything. I ship his cattle and do not charge him anything at all, as is customary between cowmen. This \$3.50 was a range fee and did not include the expense of shipping.

The others I know who are running cattle on the Heinrich range are Oscar Wilson, Parkman, Wyo.; George T. Shirgy and Matt Shirgy, Parkman, Wyo.; Jack Kennedy; Will Heinrich, Lodgegrass, Wyo.; Charlie Heinrich, Lodgegrass, Wyo.; E. L. Dana, Parkman, Wyo.

The range has been divided recently by a fence, running from the Little Horn River to a canyon connecting with Black Canyon, in order to cut the range in two to divide the Indian cattle from the lessees' cattle of the Heinrich lease. In a big storm the cattle will drift and break through any kind of a fence built on the range. The range below the fence is what the cowmen would consider a desert. The country below the fence is sheeped out and very poor at the present time. It would be a very poor place to turn a herd in the spring. I would not take it as a gift to turn my cattle. With a dry season it would carry scarcely any cattle this summer.

Above the fence I have known it for 21 years; there never has been a drought and they shipped fine beef. There is plenty of water everywhere up there. They have been able to cut grass on the open range, and it has been considered the garden spot of the reservation. Anyone will find what it is by asking Heinrich to trade ranges with the Indians.

I have had the Indians to help me off and on for 14 years as cow hands. They have proved good. They never deserted me in time of need. I paid them just the same as I did white men. I trusted them just as far. I think if the Indians were issued cattle now they would take care of them and prosper the same as their white friends.

I have never heard of the I. D. range being leased until Heinrich made the lease in 1910. The Indians said they never consented to the leasing of the I. D. range and protested against it ever since up to the present time. The Indians have lost their cattle and horses because the range has been overstocked by the lessees. For a sample of the trouble on the range, there is Mr. Peters. Mr. Peters is married to an Indian woman; has a family and grandchildren; in all there are nine of them. He has about 2,700 acres allotted to his family. He has about 35 head of stock and does not use all the hay he has. I have been using his surplus range off and on for seven or eight years. Last April I paid him 15 cents an acre and \$6 a ton for his hay, and his cattle to run in the pasture with my stock and be fed with my stock. I paid him \$5 a day for the use of his team and wagon. I have not been able to feed the hay. Mr. Scott forbid me taking cattle on the allotments. He said my cattle would get out and trespass on Mr. Heinrich's range. When I shipped there were 4 of mine out and 23 of Mr. Heinrich's in on the allotments. Scratch His Face has some land fenced and wanted to lease his pasture and was forbidden from doing it. Bright Wing also. Little Nest, and others, too.

Heinrich accuses the Indians of killing his cattle. Peters told me that they offered \$1,500 if they caught him and convicted him of killing his cattle. My cattle have been with Peters off and on for seven or eight years. I have never caught him killing anything of mine. He has always treated me fair and square in all dealings we have had.

Tom Doyle is married to an Indian woman, who, with his children, are allotted. Their allotments lie within the Spear Bros. lease. Doc Spear told me that he had Tom Doyle in jail for killing one of his cattle. Tom Doyle has been up to my place and stayed all night and said, "I have not sold my hay, Booz." I told him I had all the hay I possibly could feed. His family is depending on his produce raised on the range, the hay being the most important. I have heard off and on that Henry had branded Indians' cattle, in particular a yearling that George Pease, of Lodgegrass, has in his corral. When I go home I will try to get George Pease to kill the steer, tan the hide, and send it to Mrs. Gray, so you can see the two brands on it.

All of the lessees seem to be together. Bostwick, who is president of the Spear Bros. Cattle Co., told me that he and Frank Heinrich would have to use the dry corner. Then I told him that I would go over and lease the allotments, like Peters, Bright Wing, and Little Nest, and he says, "No; don't do that. Go and see Heinrich and fix it up with Frank Heinrich."

Subscribed and sworn to before me this 20th day of March, 1914, at Washington, D. C.

[SEAL]

JOHN HENRY BOOZ.

HELEN V. BRIDGE,
Notary Public.

My commission expires August 9, 1915.

WASHINGTON, D. C., March 20, 1914.

Mr. Booz is subleasing what is called the dry corner, about 45,000 acres, just over the Wyoming line. The mountains, which are practically impassable during most of the year, separate this from the rest of the range. It is at the present time a part of district No. 5. The lessees have never used it. In order to prevent the subleasing of this range it will be necessary to separate it from No. 5. If this could be done, and the range as a separate district let to the highest bidder, it would be to the advantage of the Indians. If this district were called district No. 7, the boundaries would be: Beginning at the Wyoming line, running northwest along Bull Elk Creek, through Bull Elk canyon to the mouth of Bull Elk Creek in the Big Horn River, south along the Big Horn River to the Wyoming line, east along the Wyoming line to place of beginning, as shown on the map attached.

Mr. Booz wants permission from the Indian Office to feed the hay for which he has paid, the checks being attached. He also wants a right of way from one ranch to the other, to pass backward and forward with his cattle, the way the rest of the people do.

HELEN GREY.

Mrs. GREY. I want to say I know all these people, and at the time we were at Crow Agency and had that hearing Charley Heinrich had been accused of branding one of the Indian's cattle, and he said in the hearing that he had a permit to run 1,000 head with Frank Heinrich, and E. L. Dana, we found in the accounts, had been shipping from Wyola and from this same range.

Mr. DALBY. Will Mrs. Grey point to the testimony by Charles Heinrich that he had a permit to run 1,000 head?

Mrs. GREY. Yes—

Representative BURKE. Well, we are not getting anywhere.

Mrs. GREY. Here is what I wanted; that Mr. Heinrich is paying for 7,500 head of cattle on this range.

Mr. DALBY. That is the basis of the new permit which has not yet gone into effect.

Mrs. GREY. But when he has taken all his cattle below the fence, or north of the fence, he will then be running 7,500?

Mr. DALBY. When the readjustment has been completed.

Mrs. GREY. And that will be the limit of that range?

Mr. DALBY. That is the limit of the range, and will include Garvin Basin; and as to that Mr. Heinrich has said to the Government, in view of the comments that have been made upon that situation, that he is including that 1,500 head in order to meet the requirements of the Government in that connection; and—I think, at the suggestion of the agent—that it is perfectly immaterial to him whether the Garvin Basin is cut out and the permit reduced proportionately, or whether he lets these people still use it and pay him and he pay the Government. It is immaterial to him.

Mrs. GREY. Do you remember the old southern district that Mr. Heinrich had when you first went to the reservation as inspector that you passed upon?

Mr. DALBY. Yes.

Mrs. GREY. Now, will you look at this map, Mr. Dalby, and say if this is not the old southern district that is marked on this map? It is your map? [Indicating on map contained in Senate committee hearings of 1907-8.]

Mr. DALBY. That is as near as I could determine it at that time.

Mrs. GREY. Is not that just about half what there is now? You see it comes clear up here [indicating]. Just say what proportion you think it is. I reckon it is just about half.

Mr. DALBY. I will look it over and give you my best judgment on it. Looking at it just by the map it appears to be considerably more than half, but you must take into consideration the fact that all this blank part here is very inaccessible, and, at best, accessible only for a short time in the summer. This Garvin Basin, if you take that out, then what Mr. Heinrich had at that time was about half of what he would have now.

Mrs. GREY. That is to say of the good range—

Mr. DALBY (interposing). According to the showing on the map.

Mrs. GREY. That is the good range, the range that would be accessible all the year round now is about twice what he had on this map—the old southern district?

Mr. DALBY. Yes; not including the arrangement he had with certain individuals at that time. That went down to the mission—

Mrs. GREY. What they call the southern district?

Mr. DALBY. The limestone quarry.

Mrs. GREY. You say he has a range he can use all the year around under this new arrangement, below the fence, containing twice as much land as he had in the old southern district?

Mr. DALBY. No, not below the fence; it is all above the fence.

Mrs. GREY. Well, what is the difference?

Mr. DALBY. It is up in the mountains.

Mrs. GREY. Just answer the question so we will get it straight in the record.

Mr. DALBY. It is up in the mountains south of the fence.

Mrs. GREY. About twice as much as he had in the old southern district?

Mr. DALBY. Just speaking roughly.

Mrs. GREY. That is not counting in any of this mountain district?

Mr. DALBY. Approximately that.

Mrs. GREY. Now, you say he has 7,500 head, all that will carry—7,500?

Mr. DALBY. It will not carry that many.

Mrs. GREY. That is what he is going to pay for?

Mr. DALBY. That will include the 1,500 head over here in the Garvin Basin; 6,000 head is the average capacity of that range.

Mrs. GREY. Well, now, Mr. Dalby, in 1909 Mr. Heinrich was occupying this southern range. He had 11,000 head on that range and was paying for them. Here is the telegram—

Mr. DALBY. Can you state the boundaries of the range he occupied at that time?

Mrs. GREY. Yes. This was the old southern boundary [indicating].

Mr. DALBY. That was 1907.

Mrs. GREY. This is the map furnished in 1908 by the Indian Office.

Mr. DALBY. That was the map I drew in 1907, and showed the boundaries within which he was at that time ranging, under permit, about 3,500 head.

Mrs. GREY. Was that the southern range?

Mr. DALBY. In 1907?

Mrs. GREY. Yes; in 1907. How long did his permit run at that time?

Mr. DALBY. He had a permit by the year at that time.

Mrs. GREY. Yes; running until 1908. It was renewed again for 1909. Anyway, Mr. Dalby, let us not quibble about it.

Representative BURKE. I do not know what you are trying to get at.

Mrs. GREY. In 1909 he had 11,000 head on one-half of what he has 7,500 head on now.

Mr. DALBY. I do not wish to admit anything of the kind, because no such facts are within my knowledge.

Mrs. GREY. Well, here is a telegram. There is a telegram here that asked Mr. Reynolds to see how many cattle he had on his range. The reply from Mr. Reynolds is dated April 30, 1909 (reading):

[Telegram.]

CROW AGENCY, MONT., April 29, 1909.

COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.:

Heinrich has 11,000 head of cattle on south end of reservation, or will have when he puts back these that are yet being fed hay. Says 4,000 of these will be sent to market between August 1 and November 1. Three thousand of the remainder will be gathered when winter begins and fed hay until spring opens. Hay fed will mostly be purchased from Indians. Will never have on range at one time in excess of 11,800 head. Will give \$12,000 to date next spring, satisfactory to your office. James L. Ash offers advance of \$1,017 for district No. 2. Dana offers \$600 increase of district No. 6.

REYNOLDS, Superintendent.

Mr. DALBY. Does he in that telegram state that they are within the boundaries described here?

Mrs. GREY. Yes, sir; that is the only place that he had a permit at this time. He was running cattle up above, but this telegram was when they were reallotting those ranges.

Representative BURKE. What are you trying to establish, Mrs. Grey?

Mrs. GREY. That he had 11,800 head on half the range that he says will run 6,000 head now.

Representative BURKE. What difference does it make if they are only going to allow him to run so many?

Mrs. GREY. If the limit of the range is 11,800 head for half, the limit of the range he has got will be 22,000 head, and he is turning 21,000 head below, and he is paying for 7,500 head. If the herd was counted—

Representative BURKE. You say you made this map, Mr. Dalby?

Mr. DALBY. Yes, sir.

Representative BURKE. Under what circumstances did you happen to be making this map? What position, if any, did you hold?

Mr. DALBY. I was an Indian inspector.

Representative BURKE. How much time did you spend on the reservation, and when was it?

Mr. DALBY. I was there from May until August.

Representative BURKE. Of what year?

Mr. DALBY. Of 1907.

Representative BURKE. What was the purpose of your mission?

Mr. DALBY. Investigating conditions, particularly charges made by Mrs. Grey.

Representative BURKE. And whom did you find there ranging cattle at that time?

Mr. DALBY. Mr. Heinrich, Mr. Dana—I believe the rest of the ranges were then occupied by sheep.

Representative BURKE. Was Mr. Booz or the Basin Cattle Co. there at that time?

Mr. DALBY. If they were I do not recall it. I did not go over into the Garvin Basin. I may have known of that permit by the agent to which reference is made. I will state that there were a number of informal permits prior to that time that I recall, but the details of them I do not recall, and this may have been one of them, but that was in accord with the practice at that time. And, while I am not sure, I think my report calls attention to some of those matters.

Representative BURKE. Was Mr. Heinrich at that time confining his cattle to this area that you call the south part of the reservation, which would be south of the fence that is now being constructed or has been constructed?

Mrs. GREY. He has had his own fence, and this line follows, apparently, the Heinrich pasture.

Mr. DALBY. In reply to that, these dark lines [indicating] outline the boundaries of his regular range as near as I could determine them. This dotted line here represents what I think Mrs. Grey refers to as the Heinrich fence, and that was made by an informal arrangement with the allottees within this territory by which he ran cattle in there—about 1,000 head altogether—and he paid them directly. In my report I recommended that he should be required to make such arrangements in future through the agent; so that subsequent to that time unquestionably the agent, in obedience to the instructions based upon that recommendation, ran all this country, and subsequently that [indicating] was his range.

Representative BURKE. It was all down in the south part, in the hills?

Mr. DALBY. Yes, sir.

Representative BURKE. And it has been subsequent to that time that he has obtained other leases or other permits to run cattle farther north?

Mr. DALBY. In 1909 the suggestion was made by a gentleman in the Indian Office that the I. D. range be leased. I had then recently resigned the position of Indian inspector.

Representative BURKE. When was that?

Mr. DALBY. In 1909, after the opening of the bids for the ranges which had previously been leased. Mr. Baker asked me if I did not think it would be a good idea to lease that I. D. range. My reply

was to caution him against the leasing of the I. D. range, at least until he was sure that he had reserved sufficient for the Indian stock. But I said, "If after going into that situation and safeguarding the interests of the Indians, you determine that you are going to lease that I. D. range, I would like to have an opportunity to put Mr. Heinrich's offer before you." Mr. Heinrich did make an offer, and he did make the best offer that was made, and the range was leased to him under conditions which, in the opinion of the Indian Office, safeguarded the interests of the Indians.

Representative BURKE. When did you become the attorney of Mr. Heinrich?

Mr. DALBY. In 1909, subsequent to my separation from the Government service.

Representative BURKE. How soon after you retired from the Government service?

Mr. DALBY. Very shortly, sir.

Senator TOWNSEND. Had you made arrangements before you retired?

Mr. DALBY. I had not, sir. I will state that the matter was suggested to me first by Mr. Spear. Mr. Spear said to me that they seemed to be getting ready to throw Mr. Heinrich off the reservation. He said that he was going to suggest to him that he retain me as his attorney. I said to Mr. Spear, "I have had a very bitter fight with the Indian Rights' Association. They endeavored to prevent my confirmation as Indian inspector. They will oppose me in the Indian Office if I represent Mr. Heinrich, and I am unwilling to represent Mr. Heinrich without his knowing that situation and deliberately choosing to retain me."

Mrs. GREY. He did know it, didn't he?

Mr. DALBY. I said, "I will see Mr. Mondell." Mr. Mondell, as the Representative from that district—Mr. Heinrich being then a resident of Slack, Wyo.—had presented to the Indian Office the interests of his constituent, Mr. Heinrich. I went to Mr. Mondell and said that Mr. Spear had made this suggestion to me, but that this was my position, and that I did not care to get into that situation and bring Mr. Heinrich an injury, and it was up to him and Mr. Heinrich. If they thought I could help, I would be glad to help, but I would not do it until Mr. Heinrich had knowledge of that situation.

Mr. Heinrich then wired me—I think it was some time in August; probably the 5th or 6th of August. My resignation took effect the 1st of August. The matter was mentioned to me first by Mr. Spear after the opening of the bids, which, I think, was the 3d of August. I did take that up, and subsequently I did represent Mr. Heinrich, and I have represented him ever since.

Representative BURKE. And he got a permit after you were retained as his attorney?

Mr. DALBY. He did; he got a lease.

Representative BURKE. Well, a lease.

Mr. DALBY. It is substantially the same thing. In fact, the commissioner said to us when he accepted Mr. Heinrich's bid, "I will give you either a lease or a permit for three years." Mr. Heinrich said he would prefer it on a lease, and the commissioner gave it to him as a lease instead of a permit.

Senator TOWNSEND. Do any of those Indians on that range have title in fee to any part of it?

Mr. DALBY. I could only answer that, Senator, on information. At that time there were perhaps half a dozen to whom the fee patents had been issued, but I am not absolutely sure even of that. I know that fee patents had been issued.

Senator TOWNSEND. Did you help prepare this bid of Mr. Heinrich's?

Mr. DALBY. In 1909?

Senator TOWNSEND. Yes.

Mr. DALBY. No, sir.

Senator TOWNSEND. Did you know what it was?

Mr. DALBY. I helped him prepare his bid for the I D range. That was made in August after I was his attorney, and he came here to Washington for that purpose.

Senator TOWNSEND. You say you resigned after the bids were opened?

Mr. DALBY. No, sir; I resigned long prior to that—the bids for the letting of the Crow ranges which were opened, as I recall, on the 2d or 3d of August. I won't be sure as to the date.

Senator TOWNSEND. I ask you again, Did you know anything about those bids before they were opened?

Mr. DALBY. I did not just catch the drift of your question, Senator.

Senator TOWNSEND. Did you know what Mr. Heinrich's bid was going to be before it was opened by the department?

Mr. DALBY. No, sir.

Mrs. GREY. You were his attorney.

Senator TOWNSEND. Not at that time. You did not help draw them, and you knew nothing about what the bids were until they were opened?

Mr. DALBY. No; Mr. Heinrich was indiscret enough to put his bid in "cold" as the saying is. It was opened in Washington, and I did not learn anything of the situation until afterwards.

Senator TOWNSEND. You were interested in having Mr. Heinrich's bid accepted?

Mr. DALBY. When I became his attorney I certainly was; not prior to that time.

Senator TOWNSEND. You were down there three or four months?

Mr. DALBY. Yes, sir.

Senator TOWNSEND. How did you happen to go down there?

Mr. DALBY. I was ordered by the Secretary of the Interior.

Senator TOWNSEND. Were you acquainted with any of the conditions or any of the men before you went down there?

Mr. DALBY. No, sir.

Senator TOWNSEND. You were not acquainted with Mr. Heinrich before you went there?

Mr. DALBY. No, sir.

Senator TOWNSEND. You did not approve of this leasing of Indian land in this way?

Mr. DALBY. You mean this arrangement in this territory that I speak of [indicating on the map]?

Senator TOWNSEND. Yes.

Mr. DALBY. No, sir; and I specifically recommended that this arrangement be made through the agent. I did not see anything

morally wrong, but I saw that it opened the way for arrangements that would be open to criticism. That is, if any men were allowed to go in there and deal directly with the Indians for the leasing of their lands there would be opportunity for criticism, if not for wrongdoing; and to safeguard the interests of the service I recommended that those arrangements be closed up, and if any corresponding arrangements were made in the future that they be made through the superintendent and with his approval, and I presume that was done.

Senator LANE. I would like to hear Mr. Meritt or some gentleman who is familiar with this leasing proposition.

Mrs. GREY. Before we leave this I want to say that none of you seem to have got the idea that the present number of cattle on this range does not compare with the number that Mr. Heinrich had, that he acknowledged when he was paying \$1 a head. Instead of paying \$15,000 he should be paying about twice that much. The others on the reservation are paying \$2.25 a head.

Representative BURKE. Mr. Dalby says—and that is my understanding—that until the new arrangement begins, he pays for his cattle on the basis of whatever the existing permit calls for for the number of cattle he has.

Mrs. GREY. No; he is not paying that; he is paying \$1.95 a head.

Mr. DALBY. \$1.95.

Mrs. GREY. Why is he paying \$1.95 when everybody else is paying \$2.25?

Mr. DALBY. I can answer that in a general way. Mr. Heinrich occupies the range on which the Indian cattle range. He furnishes the bulls for all the cattle upon that range. He bears the round-up expenses. He bears the shipping expenses—

Mrs. GREY. He does not, though.

Mr. DALBY. Upon the basis of the number of cattle that the Indians had at that time, which the Indian Office ascertained, and the value of those surveys, it was estimated at that time that that would make his payment of \$1.95 upon the same basis as the Spear bid.

Mrs. GREY. Does not the Indian Bureau put two men on every round-up there?

Mr. DALBY. I could not answer that.

Mrs. GREY. So Mr. Heinrich is not at the expense of shipping the Indians' cattle; it is the other way around.

Mr. DALBY. In this permit, as I understand—I have not examined it recently—he is under contract to provide food or a bed or whatever may be necessary—

Mrs. GREY. To ship and handle without expense to the Indians their cattle, and he goes on that basis.

Mr. DALBY (continuing). For the representative of the Indians on his round-up. They furnish their representative, but he provides for that representative in the ordinary way that round-ups entertain representatives of other interests. Those representatives are there engaged in the round-up, as I understand it.

Senator LANE. They help in this work?

Mr. DALBY. They engage in the round-up, I presume, Senator. They are representatives. I could not testify as to that.

Senator LANE. Now, in making this round-up in their representative capacity, they help gather his cattle the same as his own employees?

Mr. DALBY. I could not testify on that point, Senator. Mr. Heinrich could answer that.

Senator LANE. How many cattle do the Indians have in the round-up?

Mr. DALBY. I could not state that except upon information. At the time the arrangement was made the Indian Office, I think, ascertained that there were 4,000 or 5,000 head, but I can not state that except upon my recollection of what they said.

Senator LANE. How many would Mr. Heinrich have on one of these round-ups?

Mr. DALBY. How many men?

Senator LANE. No; cattle. I want to find out what the difference is.

Mr. DALBY. He would have on the round-up the number of cattle that he has on the range. A round-up is for the purpose of working the range—

Senator LANE. How many cattle would he have? We know what the purpose is. How many would there be?

Mr. DALBY. He would be doing that now, Senator.

Senator LANE. How many cattle did he have the last time?

Mr. DALBY. I could not tell you without examining the record. I do not have it in my mind. Under his permit he was entitled to have an average of 23,000 head.

Senator LANE. How many do you suppose the Indians had?

Mr. DALBY. I could only guess, Senator; I do not know.

Senator LANE. Mr. Scott, the agent, testified that the Indians assisted Mr. Heinrich in making the round-up, and the principal part of the work in making the round-up was the rounding up of the cattle of Mr. Heinrich, not the Indians' cattle. The Indians had a few cattle.

Mr. DALBY. Oh, I catch the drift of your question. Unquestionably Mr. Heinrich has vastly more cattle than the Indians have.

Representative BURKE. When they were rounding up 23,000 head of cattle somebody had to be there to see that the Indians' cattle were cut out?

Senator LANE. Yes; but the Indians were there, it developed in the hearing, as guests of Mr. Heinrich.

Mrs. GREY. They were white men; there was not an Indian among them.

Representative BURKE. I did not understand him to say they were there as the guests of Mr. Heinrich. The Indian Service furnished two or three, or whatever the number of representatives was, who were paid by the governor, and they simply provided them with food and kept them while the round-up lasted.

Senator LANE. And they assisted in the round-up the same as the employees of Mr. Heinrich.

Mrs. GREY. And at the same time Mr. Heinrich agreed to do all that without expense to the Indians.

Senator TOWNSEND. Do you think, Mr. Dalby, that that arrangement was a protection to the Indians?

Mr. DALBY. You mean to have the representative there?

Senator TOWNSEND. Yes; is that for the protection of the Indians?

Mr. DALBY. That was the purpose of it.

Senator TOWNSEND. Do you think that they received protection? Were the Indians properly protected by that arrangement?

Mr. DALBY. I think the Indians were protected, whether there had been that arrangement or not, Senator. That arrangement was made at the behest of the Government for the purpose of protecting the Indians.

Senator TOWNSEND. You do not think that Mr. Heinrich or his agents took any advantage of the Indians?

Mr. DALBY. I do not, sir.

Senator TOWNSEND. You do not think they appropriated any of their cattle?

Mr. DALBY. I do not, sir; I do not, very decidedly. I should like to have an opportunity to meet any charges of that kind.

Senator TOWNSEND. There was an opportunity there, was there not, under that arrangement?

Mr. DALBY. I do not see how there would be, Senator.

Senator TOWNSEND. You have great faith in Mr. Heinrich, and I know nothing about him. I do not want to make any charges against him at all. But suppose he were a dishonest man. Suppose he wanted to defraud the Indians. Do you think an arrangement whereby some men that he took in charge and fed, and housed, and kept with him for a time—the class of men they have out there—would be a proper protection against a designing or dishonest man?

Mr. DALBY. I do not know of any other way of protecting the Indians than by a representative of the Government.

Senator TOWNSEND. Did the Government select these men to go out there?

Mr. DALBY. Unquestionably; if it did not it did not act up to its rights.

Senator TOWNSEND. Who selected them as the representative of the Government?

Mr. DALBY. I presume, the superintendent. I can only state that upon information, however, Senator. I know that is the provision of the contract, that Mr. Heinrich is to take care of the representatives of the Government upon that round-up, and they are to be there for the purpose of seeing that the terms of the permit are carried out, and that the interests of the Indians are protected, and I do not know any other way in which that could be accomplished.

Senator TOWNSEND. While you were out there did you hear any complaints from the Indians that their property was being confiscated in this way?

Mr. DALBY. I do not recall that I did. I remember the complaints of the Indians at that time of Mr. Heinrich's cattle coming, as they said, outside the Henry fence; that is, going farther north than they should have gone. I may state—and I did state then in my report—that I believe those complaints were all instigated at that time. I do not believe that those reports arose from the belief in good faith of the Indians.

Mrs. GREY. By whom were they instigated?

Mr. DALBY. Largely by Mrs. Grey.

Mrs. GREY. Right along that line I have this charge, the same charge that I made in the Indian Office some time ago that resulted in sending Inspector Norris to Crow Reservation to investigate that identical charge; and this is his report, if I may read it into the record:

As to section 13, wherein it is charged that the Indian herds are not properly cared for, and that there is no sufficient supervision of the gathering, branding, and shipping of cattle; that there is no proper inspection or report of the number of cattle and sheep grazed on the range; and that there is no proper inspection of general conditions on the range, I find after careful consideration that said complaints are true.

Mr. DALBY. I should like to be permitted at this point to call the commission's attention to the fact that that can not possibly be construed into a criticism of Mr. Heinrich. Mr. Heinrich has lived up faithfully and honestly to the terms of his contract. If the Government has failed to supervise that contract properly, Mr. Heinrich can not be charged with fault on that account. But, notwithstanding any failure on the part of the Government, I take the responsibility of saying that Mr. Heinrich has not injured the Indians or violated his contract in any way.

Mrs. GREY. Mr. Dably went there as a representative of the Government, and after he had been fighting this matter for five years, within three days from the time he was confirmed as inspector he resigned to become attorney for Mr. Heinrich.

Mr. DALBY. I wish to contradict that statement positively. I did not resign on any such condition. I resigned because I was ready to quit the Government service. There was no condition whatever. And I did not resign within three days after I was confirmed.

Mrs. GREY. Senator Townsend, you recall that Senator Paynter corroborated my statement on the floor of the Senate?

Senator TOWNSEND. Why were you anxious to be confirmed if you had made up your mind to resign so soon afterwards?

Mr. DALBY. I had not made up my mind to resign so soon afterwards.

Senator TOWNSEND. When did you make up your mind?

Mr. DALBY. In the winter of 1908 and 1909. The fight on my confirmation had been going on since the spring of 1908. Through an oversight on the part of the appointment clerk of the Interior Department my confirmation was overlooked at the first session of the Senate after my appointment, and before it was taken up by the Senate in regular order along in the spring the Indian Rights Association had begun its fight upon me.

Mrs. GREY. It was not the Indian Rights Association; it was Mrs. Grey.

Senator TOWNSEND. How does your compensation as attorney for Heinrich compare with what you were receiving from the Government?

Mr. DALBY. I charge Mr. Heinrich for the time I pue in for him, sir, and I charge him a reasonable rate. I charge him more than the Government ever paid me as Indian inspector. If that statement is not full enough, I am willing to go further.

Senator TOWNSEND. That is sufficient. You found it to your financial advantage, then, to take a position with Mr. Heinrich?

Mr. DALBY. I do not catch the drift of your question, Senator.

Senator TOWNSEND. You found it to your financial advantage to resign from your employment as inspector and engage with Mr. Heinrich?

Mr. DALBY. No, sir; absolutely not. There is no connection between the two events.

Senator TOWNSEND. Why did you do it?

Mr. DALBY. I have stated the reason. I was ready to quit the Government service. I did not quit the service of the Government in order to represent Mr. Heinrich. I state that without qualification.

Senator TOWNSEND. Would Mr. Heinrich have employed you if you had not been in the Government service previously, do you think?

Mr. DALBY. He probably never would have heard of me. He made my acquaintance and I made his upon the occasion of my investigation of the Crow Reservation.

Senator TOWNSEND. Now, do you think this plan of leasing lands or giving permits to men to lease lands of the Indians under the conditions of these contracts is a good plan or the best plan that could be devised?

Mr. DALBY. Now, are you asking me that question as Mr. Heinrich's attorney or as a former Indian inspector?

Senator TOWNSEND. I am asking you that as a man under oath and testifying here.

Mr. DALBY. I did not agree to testify as to my opinions, though I am perfectly willing; but anyway that would be a matter of opinion.

Representative BURKE. I think if he is attorney for Mr. Heinrich he would hardly be expected to give an unprejudiced opinion.

Senator TOWNSEND. That is probably true.

Mr. DALBY. I am willing to give my opinion, if the Senator wishes it.

Representative BURKE. What position, if any, did you hold in the Indian Department before you were inspector?

Mr. DALBY. None. I was not in that department. I came to the Interior Department at the urgent request of Secretary Garfield.

Representative BURKE. And he had been in the Department of Commerce?

Mr. DALBY. Yes, sir.

Representative BURKE. And were you there with him?

Mr. DALBY. I was his private secretary at one time, and subsequently a special examiner in the Bureau of Corporations.

Representative BURKE. And you came to the Interior Department when he came to the Interior Department?

Mr. DALBY. Yes, sir.

Mrs. GREY. Right here I want to make a statement as to what Mr. Heinrich has been paying for these cattle as the years went by. This is Mr. Dalby's statement in his report: Mr. Heinrich came to the reservation August 14, 1899, with 75 head. He paid \$8 a head. Then he paid \$1 a head the next year; then \$3.25; then \$1; then \$1; then \$1.33.

Senator LANE. I would like to have Mr. Meritt or some representative of the department here. I want to take up this matter of these new permits.

TESTIMONY OF MR. E. B. MERITT, ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

The witness was duly sworn by Senator Lane.

Senator LANE. We have been going into the question of these leases. The complaints, I will state for your information, are these: The Indians have complained that their allotted lands are included in the leases to these large lessees for grazing purposes, and that the Indians are excluded from the use of the lands or from any profit from them. They receive none of the revenue obtained from them, nor are they allowed to rent these lands to other persons. That under the agreement with the lessee—this goes away back into the past and continues up to the present time—the lessee agrees to buy the hay from them at the market rate, yet he does not do so, and they have no other market for it, and their livelihood largely depends upon their hay lands. They are not allowed to fence them if the superintendent does not see fit to give them permission to do so. That in addition to that their only method of making a living is dependent upon a certain annuity which is granted them under the terms of some treaty of this Government, and that they do not always receive that, and that they suffer greatly in consequence of that.

They claim, in addition, that these moneys that are acquired from the leases are expended by Government agents in a way—a good deal of it is expended in the payment of employees who are of no particular benefit to them, and some of it is used in repairing ditches and headgates and carrying on the irrigation work of white settlers on the reservation, which expenses are paid for out of their funds, as I understand—it is one of those reimbursable funds—and that those waters are used by the white settlers, and that the Indians themselves are excluded from the use of the water in many cases, and that, as a consequence, their condition is deplorable.

Now, if these things are true it is a very serious condition of affairs, and it is our duty to look into it. We find, as a matter of fact, and it is conceded by everybody, I believe, that the Indian Bureau does allow these lessees to use the allotted lands; that they are not included in the price which they pay for the general lease; that they secure the use of them for nothing, practically. The Government does not benefit nor does the Indian, and they are not listed in the acreage which is estimated in the deeds.

Do you know whether that is the condition of affairs or not?

Mr. MERITT. I think that condition does, practically, exist.

Senator LANE. And that it is contrary to law?

Mr. MERITT. I am not sure about the law. The Indian allottee can lease his allotment, under existing law, with the approval of the Secretary of the Interior.

Senator LANE. And also, whether you know it or not, that this amounts to something like 400,000 or 500,000 acres of the best land on the Crow Reservation. Did you know that?

Mr. MERITT. I know that there are about 2,300 allotments, and it amounts to 100,000 acres of land allotted to those Indians.

Senator LANE. Yes; the very heart of the reservation. And here are people who are suffering for the use of this land, and here is the Government acting as their guardian and holding over them the arbitrary power of saying whether they can use it or not, depriving

them of the use of it, and they in a condition of want. That is a condition which has been brought to the notice of this commission, and I think it is the duty of the commission to ascertain whether it is true or not and, if it is true, to see that it is changed, if it is in our power.

Now, I find you have made permits to Zimmerman & McKee, and that you have received from them the sum of \$11,550 as the first payment on lease on Crow Reservation, district No. 3, and your signatures to that statement is here. Is that right?

Mr. MERITT. I think that is correct.

Senator LANE. In looking over the terms of that lease or permit I find that it was made to Jerome H. McKee and D. B. Zimmerman, of Omaha, Nebr., and Somerset, Pa., to hold and graze live stock on the Crow Reservation, and then it gives the district where it shall be grazed.

Do you know how much, if any, allotted land there is in that?

Mr. MERITT. I think probably there are some allotted lands. There are allotments scattered over the greater part of the reservation.

Senator LANE. Do you know how many acres?

Mr. MERITT. I would have to look that up at the office.

Senator LANE. Now, it says they are allowed to graze 50,000 sheep or 10,000 head of cattle, and that they pay for the sheep 95 cents a head—that is what it figures out—and for the cattle \$4.50 a head, which makes an average of 3.3 cents per acre for the use of the land. That is as nearly as I can figure out the terms of the lease, and I have figured it over pretty carefully.

Do you know whether that is right or not?

Mr. MERITT. I have not figured it out, Senator, but I suppose your figures are correct.

Mr. DALBY. If the Senator will pardon the interruption I can enlighten him. I happen to have represented Mr. Ray, who was the prior holder of that range, and on his behalf I negotiated that arrangement for him. But he was unable to make his arrangements to make the payment, and he did not get the range; and if that is as I understood it was, the same terms to McKee and Zimmerman as to Ray, that was for the whole period, so the 95 cents would be for the whole period and not per annum, and the \$4.50 for the cattle would be for the whole period.

Senator LANE. You say 95 cents for the whole period. What is the period?

Mr. MERITT. About two years.

Senator LANE. That would be $47\frac{1}{2}$ cents?

Mr. MERITT. About \$2.25 a head for the cattle per annum.

Senator LANE. At the rate of about 3.3 cents per acre?

Mr. MERITT. About 40 cents a head for sheep, I think, is about the rate.

Senator LANE. Do you know whether that is a fair price?

Mr. MERITT. I would say that would be a fair price. The commissioner entered into this contract, and he discussed the matter with me rather hurriedly just before he left the city, and he advised me that this was the highest price that ever had been paid for cattle on the Crow Reservation. I believe that statement is true. We are receiving a somewhat higher price on one other reservation for

cattle, but \$2.25 per head is considered a very good price for grazing on Indian reservations.

Senator LANE. How, then, does it come that Mr. Heinrich gets his for \$1.95, and this man pays \$2.25?

Mr. MERITT. Mr. Dalby explained that a few minutes ago. I never have had anything to do with these leases or permits in the past. It is a matter I am not thoroughly familiar with. We have two representatives of the office here who have handled these leases and permits on the Crow Reservation, and if I am unable to answer any questions I believe they could answer them.

Senator LANE. Now, then, I notice that under the new permits they are allowed to sublease.

Mr. MERITT. Not without the approval of the Commissioner of Indian Affairs.

Senator LANE. Yes; but with his approval they are?

Mr. MERITT. With his approval; yes.

Senator LANE. Under the old lease system they were not.

Mr. MERITT. There was no provision in the old permits, if I remember correctly, regarding subleasing.

Senator LANE. There was a provision in there distinctly stating they were not allowed to, was there not?

Mr. MERITT. I do not think there was, in the permits, at all.

Senator LANE. In the leases?

Mr. MERITT. There were provisions in the leases; but there were no provisions at all in the permits, as I remember.

Senator LANE. I mean the old leases. They were distinctly forbidden to sublet. I notice that restriction has been removed. Do you know why that was done?

Mr. MERITT. That is the usual restriction in leases on all Indian reservations, and I know of no particular reason why that provision should be in this permit.

Senator LANE. Now, in the permit or lease to Mr. Heinrich—there is one executed or about completed with Mr. Heinrich, is there not, for another tract separate from this one I am mentioning?

Mr. MERITT. That permit is in process of completion now. We telegraphed for the completion of the permit to-day.

Senator LANE. And the terms of it are stated in this document that is here, are they not?

Mr. MERITT. It seems to be.

Senator LANE. That is No. 3. Is that what it is called?

Mrs. GREY. No. 5.

Senator LANE. No. 5.

Mr. MERITT. No. 5 is the permit with Mr. Heinrich, and No. 3 with Mr. McKee and the other permittee.

Senator LANE. It is for 320,000 acres, and 7,500 head of cattle are allowed to be ranged on it at a price which Mr. Dalby states, and which I see is confirmed here, to be \$1.95, or about \$2. I notice that under the terms of the lease he has the privilege of subleasing certain portions of it, and that also under the terms he has to purchase hay from the Indians at the market price. That is for the protection of the Indians?

Mr. MERITT. Yes, sir.

Senator LANE. But it does not say who is to determine the market price. How is that ascertained? Who is to set that market price?

Mr. MERITT. The superintendent and the permittee.

Senator LANE. And the permittee?

Mr. MERITT. Yes, sir.

Senator LANE. It does not say so in the permit, does it?

Mr. MERITT. I do not recall that it does.

Senator LANE. And it does not say anywhere in the permit as to when he shall purchase it. He may leave the Indian with the hay on his hands until late the next spring, and in the meantime under the permit the Indian has to keep the fence around it in good order. Did you notice that?

Mr. MERITT. The commissioner entered into these permits, and I am not familiar with their terms.

Senator LANE. Then there is no use bothering you about it. But I want to call your attention to that fact, that that seems to be the terms of the lease.

Senator TOWNSEND. Right in that connection, may I interrupt you? Prior to your acting as assistant commissioner you were the law officer for the department, were you?

Mr. MERITT. Yes, sir.

Senator TOWNSEND. Did you not have to pass on these things?

Mr. MERITT. I did not pass on this permit which has recently been entered into by the commissioner. He handled that personally.

Senator LANE. You would only pass on it in regard to its form and legality, would you not?

Senator TOWNSEND. You were asked a question a little while ago as to whether you thought it was legal. Mr. Burke, I think, asked you the question whether you thought it was legal to lease the allotments, or to include these allotments in these leases. Was that question ever submitted?

Mr. MERITT. No, sir. Mr. Burke brought the question up the other day for the first time, and I have considered the question somewhat hurriedly since then. It is my opinion that we are depriving the Indian of a treaty right when we go ahead and lease the reservation and permit the lessees to allow their cattle to roam over the allotment of the Indian.

Senator TOWNSEND. That question was never submitted to you in the leases?

Mr. MERITT. No, sir.

Senator LANE. Now, then, it says in this permit that the permittee further agrees to purchase, at its market value, all surplus hay put up by the Indians in this district and offered by them for sale, such hay to be properly stacked before it is purchased. The Indians claim that those terms are so loose that if the lessee does not come in the fall and buy their hay they may have to keep it until late in the spring, and the Indian is storing that hay for the other man's use at his own risk, and that the wire fences sometimes becomes cut and the cattle get in, and after they have gone through his land he has no hay to sell, and the lessee's cattle are out on the other side of the fence again, and he has no redress. And he thinks—some of them do at any rate—that if the hay is to be held there at such a risk, the lessee ought to be made to take the risk. You can readily see how it might happen.

Mr. MERITT. I can see that. That would happen, Mr. Chairman, very frequently if we did not have a vigorous superintendent on that

reservation—and I am willing to admit that we have not had a vigorous superintendent on the Crow Reservation during the last three years.

Mr. DALBY. I want to make a statement on that point, if I may.

Senator LANE. We will get to you in just a minute. Now, the Indians also claim that under this agreement there is no place agreed upon for its delivery, and that the lessee may demand of him that he deliver the hay some place far away.

Mrs. GREY. Thirty or forty miles away, and he has done it.

Senator LANE. He demands it of him, and if the Indian does not do so he can, for that reason, refuse to buy it of him, and that happened last year in a number of cases and left the Indians with the hay upon their hands. That complaint has been made to the department. Their attention has been called to it before, I called their attention to it, and I know of others who did so.

Mr. MERITT. I believe that interpretation would not be a fair one to give that language.

Senator LANE. I know; but under it it can be done. The lessee can demand that the Indian deliver it at any place, and it has been done, and it is very unfair.

Mr. MERITT. We have recently placed in charge of the Crow Reservation a superintendent who would, I believe, enforce that language along the lines that would be beneficial to the Indians.

Senator LANE. Yes; but you see how it can be worked by a man who is not interested in the Indians. He could allow these severe conditions to be applied under an agreement so loosely drawn. It should be specially provided that the hay should be tendered to the lessee and that he be compelled to accept it at the stack.

Mrs. GREY. Within 30 days or 60 days.

Senator LANE. Yes. They also say they are not compelled to buy the hay until it has settled and at a time when it measures the lease.

Mr. MERITT. It is apparent that that language could be made more specific.

Senator LANE. That is a loose provision there, and I had hopes it would not get into any new agreements with any of the lessees.

Mrs. GREY. The market value should be more carefully established, too, because right at Sheridan and at Wyola hay went up there one winter as high as \$8, and on the Crow Reservation they were only paying \$4.50 to the Indians. When they were buying hay there at \$10 Heinrich was only paying \$5, and if Mr. Heinrich said the hay was not any good, he would not buy it at all.

Representative BURKE. Mrs. Grey, do you contend that the Indian is compelled to sell his hay to this lessee, and is deprived of the privilege of hauling it and selling it?

Mrs. GREY. Absolutely.

Representative BURKE. Is that true?

Mr. MERITT. I should say that if the Indian did not receive an adequate price for the hay—

Representative BURKE. But do you intend by this lease to say that the individual Indian allottees are required to sell their hay to the lessee at the price that may be determined, and are not permitted to take that hay and sell it where they can get the most for it?

Mr. MERITT. No, sir; that would not be my interpretation of the contract.

Representative BURKE. Well, but is it done?

Mr. MERITT. I am not familiar with the local conditions. The department would not have authority to compel the Indian to sell his hay or his personal property to any particular person.

Representative BURKE. Do you supervise everything that the Indian sells?

Mr. MERITT. If he is a noncompetent Indian, we do.

Representative BURKE. Now, if he has got a stack of hay, I want to ascertain whether this lessee has arbitrarily the right to take that hay at any time he sees fit, under the conditions that Senator Lane has indicated as to the measurement and the place of delivery.

Mr. MERITT. Not without the consent of the allottee, of the Indian himself.

Senator LANE. It has been done in the past, has it not? It has been claimed by the Indians in many instances that that is exactly what has happened; in fact, that tenders have been made to them for their hay at a price in excess of the price which was named in the permit or lease, and they were not allowed to sell it to the intending purchaser, nor did they ever sell it at all.

Representative BURKE. Because the lessee did not take it.

Mrs. GREY. Last winter Mr. Booz paid about a thousand dollars to the Indians, and he was not permitted to use that hay nor to carry it away. It had to stand there, and it is standing there to-day.

Mr. MERITT. Mr. Chairman, we realize that conditions have not been favorable on the Crow Reservation. For that reason we have found it necessary to change the superintendent there, and we have sent a new superintendent to that reservation within the last 15 days, and he is one of the most vigorous superintendents in the Indian Service; and if he is not able to handle the Crow Reservation satisfactorily, we have not a man in the service who can.

Senator LANE. That is all right; I know you are trying to improve it. I believe that, Mr. Meritt; I am sure of it. But here you have entered into an agreement with the lessee in which the terms are as loosely drawn as they ever were in the past under conditions about which great complaint has been made.

Do you know how much land they have there?

Mr. MERITT. How much altogether?

Senator LANE. In this lease No. 5. It says 320,000 acres here.

Mr. MERITT. Something over 300,000; I do not know the exact number of acres.

Senator LANE. Is there not a great deal of land not estimated in here, bringing it up to about 400,000 acres?

Mr. MERITT. I do not know about that.

Senator LANE. There may be?

Mr. MERITT. It is possible that there is a large acreage of allotments within that area.

Senator LANE. Here are 800 or 1,000 acres of land not accounted for, or maybe more, not recognized in this lease at all—

Representative BURKE. Is there anything in that lease similar to the former lease that excludes the allotted land?

Senator LANE. I do not see it; I will look it over.

Mrs. GREY. There was in the old ones, but not in these.

Senator LANE (referring to map). Here the map says 400,000. Is this No. 5? You see, that is a larger area. It looks like it is half as large again. There is something like 100,000 acres, perhaps 200,000 acres, unaccounted for in this permit. There is something wrong about that. There is absolutely something wrong with this permit. I am going to say right now, in a kindly spirit, that I challenge this document as being unlawful. There is some mistake. Your department has not had the proper information presented to it in order to make a proper lease.

And I notice further that you have taken the estimate of Mr. Heinrich, apparently, for the number of cattle that go onto it, and I find no check by anyone else as to whether that is true or not.

Mr. MERITT. There will be a round-up, Mr. Chairman, and those cattle will be counted by representatives of the Indian Bureau.

Senator LANE. I was wondering how you would know when you gave him this permit for 7,500 cattle, for a figure of \$15,000, how many cattle he was going to put on there.

Mr. MERITT. Well, if he puts on more than the amount named in the permit we will require him to pay for the additional cattle.

Senator LANE. How are you going to find it out?

Mr. MERITT. There will be a round-up; probably two round-ups each year.

Senator LANE. And you send your representatives out?

Mr. MERITT. Representatives of the agency to count the cattle.

Mrs. GREY. This man Campbell.

Mr. MERITT. The superintendent, Mr. Estep, will be there at that round-up. He is the new superintendent.

Senator LANE. Now, I want to call your attention to the fact that you are getting apparently somewhere between 3 and 4 cents an acre for the use of that land.

I want to call your attention to a letter I received a while back from Mr. Graves, the Forester. There were some sheepmen out in my State—not altogether in my State; some were up in Idaho—who wished to lease land for grazing sheep on a forest reserve, and they wrote to me to see if I could secure them a price. December 1, 1913, I had this letter from the head Forester:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, December 1, 1913.

Hon. HARRY LANE,
United States Senate:

By letter of August 2 Mr. Montie B. Gwinn, secretary of the Malheur Live Stock & Land Co., solicited your assistance in securing a reduction in the fees charged for grazing privileges within the national forests. My letter of August 16, in reply to yours of August 11, stated that the matter would be taken under consideration by the Secretary and a definite decision reached as soon as other Senators and Representatives from Western States had had an opportunity to express their views.

After giving careful consideration to the various representations which have been submitted, the Secretary has decided that no general change in fees will be adopted at the present time, and has authorized me to establish grazing fees for the season of 1914 on the same general basis as the present season. With a few unimportant changes, the fees which I shall establish will be exactly the same as those charged during the season of 1913.

In 1911 the Forest Service made an exhaustive study of the prices charged for grazing privileges upon private, railroad, State lands, Indian Reservations, and Reclamation Service withdrawals. Approximately 1,500 cases were re-

ported by the field officers, and after eliminating all cases where the lands were fenced or where other conditions prevented their comparison with the forest lands, a total of 900 cases remained to serve as the basis for the study. It was found that on the private or other controlled Government lands the average rate per month was 3.6 cents per head for sheep and 11.7 cents per head for cattle. In other words, the average charge per head of sheep was 30.7 per cent of the average per head of cattle. The sheep-grazing fees established by the Forest Service for the yearlong periods are ordinarily computed upon the basis of 30 per cent of the yearlong rate for cattle. At the time the study was made the average charge per month for the use of the national-forest lands was 1.4 cents per head for sheep and 3.9 cents per head for cattle, or 38.8 and 33.3 per cent, respectively, of the average charges for the use of private or other Government lands. Since that time the fees for the different kinds of stock have been brought into closer adjustment by a slight reduction in the charge for sheep and a slight increase in the charge for cattle.

The permittees using the national forests for grazing purposes are being granted very valuable privileges at purely nominal rates, and the disparity between the fees paid for the use of the national forests and the fees paid for other grazing land is so great that I feel strongly that any change made in the fees should be in the nature of an increase rather than a reduction. However, I recognize that the stock growers are now confronted with certain conditions which may possibly have an adverse influence upon their industry, and because of this fact, I have recommended that no changes be made in the fees now charged.

Very truly, yours,

H. S. GRAVES, *Forester.*

Now, these are for lands which are used just half the time, and some of them only a third of the time, and it seemed to me that your rates where you are throwing in 100,000 or 200,000 acres were not in proper proportion.

Mr. MERITT. I believe the figures will show that we are getting anywhere from 50 to 100 per cent more for leasing on Indian reservations than the Forest Service gets on forest reserves.

Senator LANE. But you lease by the full year, and most of their lands are leased for two or three months, and, in addition to that, you apparently throw in on the Crow Reservation a third more land than you collect pay for.

Mr. MERITT. Those allottees should be permitted to lease their allotments. My attention has been called to this matter which Mrs. Grey has read into the record this evening, and after studying the matter, and after the matter was presented to me by Mr. Burke, it is my opinion, as a matter of law, that those allottees should be permitted to lease their allotments; provided, of course, if their allotments are leased, that either the allottee, or the permittee or lessee should be permitted to fence that allotment.

That letter that I signed was written by Mr. Campbell, who handled the lease desk, and is a continuation of the policy adopted three years ago. I might say that I am not in sympathy with that policy. I think the allottees should be permitted to lease their allotments, and they should be permitted to receive compensation from those leases.

Representative BURKE. Mr. Meritt, in view of the fact that the original leases, up to the time that the permit system began, contained a provision expressly excluding from the lease the allotted lands of Indians if the lessee has used them, is he not liable to the Indians for the use of those lands?

Mr. MERITT. It seems to me that we could claim from the lessee an amount sufficient to reimburse the allottee for the grass taken off his allotment.

Representative BURKE. What do you think about the propriety of the department attempting to collect from a lessee what it tacitly and in fact allowed the lessee that privilege, and it was understood that he might have that privilege?

Mr. MERITT. I do not believe that was tacitly agreed to or understood in these permits entered into by Commissioner Sells.

Representative BURKE. The letter that was written by Mr. Abbott in 1912, following the letter of Mr. Scott and the letter signed by you that Mrs. Grey read earlier in the evening, seemed to contemplate that that was understood.

Mr. MERITT. Since you raised the question the other day, I am not satisfied with the letter I signed prepared by Mr. Campbell, of the Land Division.

Mrs. GREY. I want to ask Mr. Meritt whether the department is going to continue to allow subleasing?

Mr. MERITT. In regard to subleasing, I might say, Mr. Chairman, that I signed a letter to-day to the superintendent requiring him to submit reports and get affidavits from each lessee and permittee on the Crow Reservation showing what subleases had been made by each lessee or permittee, and giving detailed information regarding the amount received and the number of cattle, and general information. I shall be glad to furnish this commission a copy of that report when it is received.

Senator LANE. Can you not also find out what proportion of allotted lands they have that the Government is receiving no pay for?

Mr. MERITT. I think we can, and if it is possible to obtain that information—and I think we can get it—I shall be glad to submit it.

Senator TOWNSEND. Have you ever been on the reservation?

Mr. MERITT. No, sir.

Senator TOWNSEND. I notice some testimony here to the effect that some of the Indians raise hay and fence it. I evidently am not clear in my understanding of this, as I had supposed that these Indian allotments had been included in the leases. Evidently some of the land is not included in the leases and not used by the lessee. Is that correct?

Mr. MERITT. The amount that is allotted is not included in the leases, but the lessees get the benefit of the allotments of the Indians if they are not fenced?

Mrs. GREY. May I explain how that is?

Senator TOWNSEND. Yes.

Mrs. GREY. On the range, you see, the grass begins to grow in the spring. The cattle may not come to that allotment until much later. So in the spring and up to June and July they cut the hay and fence it up. Then when the lessee comes and buys his hay he buys it on the condition that he may use the range from which it was cut.

Senator TOWNSEND. Then the lessee does make an arrangement with the allottee for the use of his land?

Mrs. GREY. And pays him nothing for it. The allottee makes objection to his doing it, but he always does do it.

Senator LANE. They have the agreement in here that he shall have his hay.

Mrs. GREY. But when he does come and buy his hay he always uses all the range that there is, with the result that the Indians now have very little hay to sell.

Mr. MERITT. Since this question has been raised, Mr. Chairman, I am going to have the question gone into very carefully by our law force in the office and by the superintendent, and if it is possible for the office under the law and under the leases, and under the permits, to collect for the benefit of these allottees the value of their grazing lands, that action will be taken.

Mrs. GREY. And also as to their overstocking the range. Now, on this Heinrich range he was acknowledging, I think, 3,000 head—\$3,000 a year, at \$1 a head. When Mr. Dalby came in as attorney they voluntarily came in and paid \$44,800, and it was said at that time on the reservation that they put no more cattle on. Consequently they must have had a large overstocking. There is no question that they had. When they were trying to send me up at Helena that was Mr. Dana's testimony. It was the testimony of the cattlemen around there that Mr. Heinrich had nine or ten times as many cattle as he was running. It would be a very easy matter, because there are notes in here—you see, he is not the owner of the cattle. Mr. Heinrich is the manager. Mr. Bostwick is supposed to be the owner. If that is so, all those cattle are held on a mortgage.

Senator TOWNSEND. Was not your attention called to these matters before this permit was made?

Mr. MERITT. This last permit? The commissioner handled that personally.

Senator TOWNSEND. The department's attention was called to it, was it not? You knew that there were complaints and that there had been some committee hearings? I think it was brought up at the last year's committee hearings.

Mr. MERITT. This matter of the leasing and the rights of the allottees was not called to my attention directly as a legal matter until Mr. Burke spoke to me a few days ago.

Mrs. GREY. Oh, I called it to your attention, Mr. Meritt.

Senator TOWNSEND. My recollection is that this was before the committee a year ago. These matters were discussed, but not in detail as they are now. Mr. Meritt was the law officer at that time, and I was trying to find out if the matter had not been formally called to the attention of the department so that Commissioner Sells knew of it.

Mrs. GREY. Senator Townsend, here is a hearing of 1905 where identically the same charges were made. I gave the names of the Indians who were trying to use their allotments and could not.

Senator TOWNSEND. I am very clear on that, that that is not a new matter, and that it has been before the department, at least, since I have been interested in Indian matters. I have not known the details of it, but I have known that complaints have been made and filed. At least they have been given to the department.

Senator LANE. Before this permit?

Senator TOWNSEND. Before this permit.

Senator LANE. Oh, yes; I sent in a number of them myself.

Mrs. GREY. Mr. Meritt, do you remember my coming down and talking to Commissioner Sells before I went West, and how many hours and hours we put in? That was one of the things we were talking about.

Senator LANE. Now, Mr. Meritt, I want to ask you, Is the money obtained from leasing reservation lands given to the Indians?

Mr. MERITT. Part of the money is used for administrative purposes, and part of it paid to the Indians, and part of it deposited to their credit.

Senator LANE. Is there any money paid to the Indians from this leasing?

Mr. MERITT. There was a per capita payment made to the Indians this year. I do not know whether any of this lease money was used in making that per capita payment or not.

Senator LANE. Was that not the annuity which was due last October?

Mr. MERITT. There is certain money required to be paid to the Crow Indians, and I would have to look it up in the finance division to find out what money was used.

Senator LANE. I think you will find that none of this money was paid to them, and that they did not receive their annuity money last year at all.

Now, would the interest of the Indians be better served by eliminating the leasing of their lands to outsiders and letting them go into the stock business themselves?

Mr. MERITT. I think it would be to the interest of the Indians to stock their reservation with cattle. It would take an enormous amount of money to stock that reservation, however.

Senator LANE. It would cost them no more than it would cost anybody else, would it?

Mr. MERITT. No. I think there are about 50,000 head of cattle on the Crow Reservation, and it would take a great deal of money to buy that number of head of cattle for the Indians.

Mrs. GREY. The annuity did include not only the grazing money, but also a lot of money that came from the sale of lands.

Mr. MERITT. The Crow Indians have a large amount of money to their credit at this time.

Senator LANE. How much have they?

Mr. MERITT. The Finance Division got up a statement this afternoon, and, if I remember correctly, they have something like \$900,000 to their credit.

Senator LANE. Is it not a queer condition of affairs that some of them should be actually in a starving condition with \$900,000 of money belonging to them and hundreds of thousands of acres of land?

Mr. MERITT. It is a rather unusual condition.

Senator LANE. I wrote to Commissioner Sells about the condition of those Indians being pitiful and their having written me asking if there was not anything to be done for them, and I asked him about the annuity, and in this letter, dated April 6, he informs me that—

By reason of the long delay and the discouraging telegrams sent out by this office, the superintendent had evidently informed the Indians that the annuity payment would not be made, for he states:

"All of our Indians have profited by the withholding of the usual annuity payment and have awakened to the fact that they will of necessity have to make some effort to support themselves. Not since I have had charge of the reservation has there been so general an inclination among them to get to work."

Mrs. GREY. And that is so mean, too, Senator Lane, that he should write things like that.

Senator TOWNSEND. Who wrote that?

Senator LANE. That was from the superintendent, Mr. Scott.

Mr. MERITT. I might say it is recognized that small annuity payments are never beneficial to the Indians as a class. I believe Mr. Burke's experience in the Sioux country will bear that statement out.

Senator LANE. Yes; if you provide these Indians with land and irrigate it, and then give them tools with which to work, and some inducement to work, the annuity need not be paid them; but if you do not provide them with farm implements, and they are unable to work the land, and the lessee will not buy their hay until he gets ready, or not at all, or if his cattle come through the fence and eat it, and the Indian has nothing, then an annuity would come in very handy.

Mrs. GREY. Senator Lane, I was out there last fall, and the Indians' thrasher was being used by the lessees. The Indians could not have it until the snow had lain on their wheat until away into February. If an Indian goes in and improves a place he has to move; some of those Indians have been moved five times. If an Indian makes a good place, he has to move off. Look at the land Heinrich has got on that reservation. It is not the Indians' fault—

Senator LANE. Has Mr. Heinrich acquired title?

Mrs. GREY. Oh; thousands and thousands of acres. I want to show you some of his titles before we get through.

Senator LANE. Do you know whether that is true or not, Mr. Meritt?

Mr. MERITT. About 2,300 Indians have been allotted. About one-third of those Indians have died. Under the Burke Act the department has authority to issue patents in fee to competent Indians, and under the noncompetent Indian act we can sell the land of the allottees on their application. We can also sell, under the act of 1902, the allotments of deceased Indians, and undoubtedly quite a large acreage of the allotted lands on the Crow Reservation have been sold.

Senator LANE. How do you sell them?

Mr. MERITT. To the highest bidder.

Mrs. GREY. Now, Mr. Meritt, they are supposed to be, but very frequently there is but one bidder, and if anyone else bids they don't get it; that is all.

Representative BURKE. It is appraised?

Mr. MERITT. The lands are appraised, Mr. Chairman, and then they are advertised for sale to the highest bidder. If the bid equals the appraisal, the bidder gets the land.

Mrs. GREY. But they are very frequently sold at private sale.

Mr. MERITT. There are not very many private sales of land made, Mrs. Grey.

Mrs. GREY. There should not be, but there are.

Mr. MERITT. It is a rare occasion.

Representative BURKE. Mr. Meritt, are you prepared at this time to give us the amount of money that has been received annually from rentals on this reservation for the last five years consecutively?

Mr. MERITT. We are receiving about \$150,000 a year at this time for grazing on the Crow Reservation. I am not prepared to give you the exact figures. I remember, however, that Commissioner Valentine increased the amount received from grazing almost twice the amount that had been received prior to his turning down the bids and readvertising.

Representative BURKE. How much was that annuity payment that was made this year, per capita? Do you know?

Mr. MERITT. About \$15, I think; between \$12 and \$15, if I remember correctly.

Representative BURKE. Now, this money that is received from these leases, does that go into the Treasury to the credit of the tribe and go into their funds in the Treasury, and then is it expended for administrative and other purposes on the reservation?

Mr. MERITT. Yes, sir.

Representative BURKE. Can you tell us what proportion of the money received from rentals has been paid to the Indians per capita?

Mr. MERITT. It is my impression that we are paying out something less than \$100,000 a year for administrative expenses on that reservation.

Senator LANE. How many Indians are there?

Mr. MERITT. Two thousand three hundred.

Representative BURKE. Then you are paying about two-thirds of the amount received from rentals in maintaining the expenses incident to the administration of the agency?

Mr. MERITT. Yes, sir.

Mrs. GREY. I think it is more than that.

Representative BURKE. Now, Mr. Meritt, what is your opinion, as a practical proposition, as to whether or not it would be feasible to lease this reservation if the lessee were required to absolutely keep off of the individual allotments of the Indians? Would it be practicable?

Mr. MERITT. It would be rather difficult, Mr. Burke.

Representative BURKE. Do you think any lessee would make a lease if he understood that he would be required to literally live up to the terms of his lease and keep his cattle off these individual allotments?

Mr. MERITT. It would be practically impossible for him to do that.

Representative BURKE. And if that were required you would probably be unable to lease it?

Mr. MERITT. Except to small cattle owners.

Representative BURKE. Now, there are about 3,000,000 acres of land in this Crow Reservation and about 2,300 allotments?

Mr. MERITT. Yes, sir.

Representative BURKE. And have substantially all of the Indians been allotted?

Mr. MERITT. There are Indians born since the allotment rolls were closed who have not been allotted.

Representative BURKE. But, outside of new-borns, the Indians have been allotted?

Mr. MERITT. Practically all of them.

Representative BURKE. Now, what do you think is the possibility of the Indian to make any progress if this system of leasing is continued and 50,000 head of stock are to be ranged upon this reservation, as is the case at the present time?

Mr. MERITT. I think it would be difficult for the Indians to make any progress along agricultural lines. And I believe further that it

should be the policy of the department and the Indian Office to encourage the Indians to make use of their allotments.

Representative BURKE. And is that possible while you maintain this leasing system?

Mr. MERITT. It would be rather difficult.

Representative BURKE. What has been the position, if you know, of the office on this legislation that has been pending at different times in Congress with reference to doing as has been done on the reservations generally—disposing of the unallotted and surplus lands to white settlers?

Mr. MERITT. My position on that has been to oppose the opening of the Crow Reservation at this time, for the reason that the Crows have a large amount of ceded land that has not been disposed of.

Representative BURKE. And pending the disposition of the land that has been ceded, it is your idea that the reservation ought to be kept as it is without opening up any portion of it?

Mr. MERITT. Yes, sir.

Representative BURKE. And on account of the fact that the Indians are not using these lands, the office has been endeavoring to secure a revenue therefrom by a system of leasing?

Mr. MERITT. Yes, sir.

Representative BURKE. Well, now, if it is found that you can not under the law continue this system of leasing, what would you suggest ought to be done?

Mr. MERITT. I would suggest that we prepare an allotment act along the lines of the Osage act, allotting all the land within the Crow Reservation to the Crow Indians.

Representative BURKE. What is the title of the Crows, if you know, to their reservation?

Mr. MERITT. It is a treaty reservation, I think.

Representative BURKE. They do not have the fee? They merely have the possessory right, do they not?

Mr. MERITT. They have a possessory right, but they also have a property right in that land.

Representative BURKE. It is your judgment that the proceeds of those lands, no matter how they are disposed of, should go to the Indians?

Mr. MERITT. Yes, indeed.

Representative BURKE. To be paid to him outright?

Mr. MERITT. I would not say that the money should be paid to the noncompetent Indians. The money should be paid to the competent Indians and used for the benefit of the noncompetent.

Representative BURKE. You have \$900,000 in the Treasury now to the credit of the tribe from the proceeds. I presume, of the sale of surplus lands?

Mr. MERITT. Yes, sir.

Representative BURKE. What do you do with that money?

Mr. MERITT. We are buying cattle for them, expending about \$400,000, if I recollect, for cattle which are being placed on the reservation this month.

Representative BURKE. A tribal herd?

Mr. MERITT. That is a tribal herd; yes, sir.

Mrs. GREY. There was an act passed in 1901 under which the tribal herd ceased to exist. It is illegal.

Representative BURKE. Now, Mr. Meritt, is not this true, that the only person that would be inclined to purchase lands of competent Indians and noncompetent Indians, and deceased Indian lands, would be the lessee?

Mr. MERITT. Yes, sir; to a large extent they would be the principal purchasers.

Representative BURKE. In other words, with the present leasing system in operation, an outside individual would not consider it a desirable investment to purchase a small tract of land in this area?

Mr. MERITT. No, sir.

Representative BURKE. And therefore the lessee, to quite an extent, dominates the conditions on that reservation?

Mr. MERITT. That is true to a large extent.

Representative BURKE. And is it not your experience that if any effort is made to reduce the reservation by disposing of any portion of it for the purpose of homestead settlements, etc., they oppose anything of that kind? Do they not want the same conditions to obtain?

Mr. MERITT. The lessees might want the land thrown open so they could purchase it at its appraised value.

Representative BURKE. Oh, if it was all going to be sold. But if we were going to authorize the sale of a portion of this area under the homestead law, as we have other reservations, the lessee would oppose it, would he not?

Mr. MERITT. He would oppose the homestead feature, undoubtedly.

Representative BURKE. Do you know, or have you any information by which you can give us any information as to whether or not when bills were pending contemplating the opening of some part of this reservation, delegations of Crow Indians came here who were paid to come here by some of these lessees?

Mr. MERITT. I have no positive information on that subject.

Representative BURKE. Have you any information as to whether or not attorneys, paid by these lessees, have come before committees of Congress claiming to represent the Indians, and accompanied by Indians, and claiming they were representing them, and filing protests?

Mr. MERITT. I know that there were bitter fights before the committees of Congress in connection with the opening of the Crow Reservation.

Representative BURKE. Do you know that attorneys have been before committees of Congress claiming they were representing the Indians, and that it was the wish of the Indians that these lands be not opened?

Mr. MERITT. There has been a great deal of misrepresentation along that line.

Mrs. GREY. Pardon me, however. The Indians that came here and the lessees all wanted the reservation opened. Keppler & Merrillat's bill was to open the reservation. I never heard of one that did not. And every delegation of Indians that came here wanted it opened.

Mr. MERITT. The local people have recently held meetings up in that country and have petitioned that the reservation be opened.

Representative BURKE. Was it not the intention of the allotment act, in allotting lands individually to Indians that after the allotments were made then the surplus lands should be disposed of to settlers in order to get white people in among the Indians?

Mr. MERITT. That, I believe, was the intention of the drafters of the original allotment act, and has been the practice to a large extent of the Indian Bureau in opening reservations.

Representative BURKE. Well, an individual allotment, under the conditions that obtain on the Crow Reservation, with a few exceptions, is of practically no value to the Indian from any standpoint?

Mr. MERITT. Not as it has been conducted in the past.

Representative BURKE. And you can not make it so where they have 50,000 or 100,000 head of cattle.

Mrs. GREY. I, for one, have been making a very vigorous fight against the opening of the Crow Reservation, for the reason that you can not get any title. They have not a decent roll on that reservation. The Indians have been moved so many times that they are not on their original allotments, and I believe the whole Crow roll is forged. Those allotments have been illegally canceled and sold in such a way that the Indian title has not been extinguished, and yet they have been taken up as homesteads.

Senator TOWNSEND. How do you propose to handle these cattle you are putting on the reservation up there?

Mr. MERITT. We intend to handle them as a tribal herd. Senator; to restrict them within a certain area, and let the Indians get the benefit of the grass on the reservation rather than lease it to white lessees.

Senator TOWNSEND. Do you propose that this herd shall run over the allotted land the same as the others do?

Mr. MERITT. Unless the allotments are fenced they probably will run over the allotted lands.

Mrs. GREY. Are the Indians in favor of the tribal herd?

Mr. MERITT. I think the majority of the Indians are in favor of it.

Mrs. GREY. I have never heard of one Indian on the Crow Reservation willing to have a tribal herd.

Senator LANE. I want to ask you how many additional employees you will have to hire to take care of this herd; have you figured on that?

Mr. MERITT. Very few additional employees.

Senator LANE. You will take care of them with the present force?

Mr. MERITT. Well, with probably some line riders and herders.

Senator LANE. Have you made any provision for storing hay for these cattle for next winter when the hard weather comes?

Mr. MERITT. We will get the hay from the allottees.

Senator LANE. Will they have enough to carry these cattle?

Mr. MERITT. The allottees will undoubtedly prefer to give the hay that they raise to the Government so as to protect their own cattle rather than sell it to the lessees.

Senator LANE. Will you buy it of them or will they give it to you?

Mr. MERITT. We expect to buy it.

Senator LANE. Is this wild hay?

Mr. MERITT. It is natural hay; yes.

Senator LANE. Are you making any effort to set out alfalfa, or to raise grain hay, or any other kind of hay?

MR. MERITT. There has been very little agricultural work on that reservation.

Mrs. GREY. The wild grass is worth much more than the alfalfa.

Senator LANE. I know, but it does not produce so much to the acre, does it?

Mrs. GREY. Yes; the wild hay there grows as high as my head.

Senator LANE. What is it?

Mrs. GREY. It is what they call blue stem.

Senator LANE. Is not alfalfa more valuable for cattle feed than blue stem?

Mrs. GREY. You take these good cattle men, and they will irrigate the wild hay and cultivate that much rather than anything else.

Senator LANE. I am of the opinion—and you can take it for what it is worth—that you will not make an entire success of cattle with the Indians. I will tell you why. There will come a hard winter when you will have to haul feed to your stock. That is very hard work, and the Indian does not like it. They will have to go out and work all day in the coldest weather of winter, in the storms.

The Indian is a horseman. Give him horses, a horse can and will paw through the snow, and will live almost anywhere. They take to horses, and they take care of them, and they like them better than cattle. By raising enough cattle to eat and raising horses for profit, I think they will do better than they will with cattle alone.

Mrs. GREY. The Crows have had large bunches of cattle until Mr. Heinrich came along and took the cattle away from them.

MR. MERITT. The cattle proposition on the Crow Reservation would not be a success if the cattle were issued to the individual Indians, but if the cattle are continued as a tribal herd I think they can be made a success.

Mrs. GREY. I want to differ very decidedly. The history of the reservation will show they have had tribal herds on that reservation, and they have never prospered. When the Indians were permitted to run their own cattle, the receipts will show, the Indians had lots of cattle.

MR. MERITT. The Indians will eat their cattle, Mr. Chairman—

Mrs. GREY. That is a story that has been told here, and it is not true.

MR. MERITT (continuing). And for that reason a large number of them will not increase their herds.

Mrs. GREY. Where do you get your information?

MR. MERITT. General information that comes to me.

Mrs. GREY. It is very general, but it does not come from the Indians themselves, and it is not so.

Senator TOWNSEND. It seems to be practically admitted that what leasing has been done there has been illegal. I think, if that is true—and I am inclined to believe it is true, and I so believed a year ago—I think somebody is responsible. Somebody owes the Indians some money; land has been taken without compensation. Now, we are getting testimony of these facts as to delinquencies and defects in the administration of their affairs. When it comes to settling upon a policy that we want to report on, that is a matter we will take up in executive session, probably. I must confess, so far as I am concerned, that I see many difficulties in almost any plan you have a mind to adopt.

I think it has been the consensus of opinion of the commission that we ought to do something that is going to improve the Indian not only financially but as a citizen and make him independent in a way. The present plan will not do it. This plan we have now certainly has no tendency in that direction, as I look at it, but I am not prepared to-night to suggest off-hand a better plan. I can see these things, and it is one of the objects of this commission to find out about the administration of the affairs of the Indian Bureau, and to-night particularly with reference to the Crows. Anything we have bearing on the conduct of their affairs, of course, is proper, and we ought to have it, but we have a big job before us when we get down to work and take up these matters of administration and recommend the thing that ought to be done in the future.

Mr. DALBY. Mr. Chairman, it is not my desire to make any suggestion to the commission with reference to matters of policy. I would simply say on that point that, as far as Mr. Heinrich is concerned, he would have the same attitude toward any change of policy which you gentlemen may determine upon that he announced to the Commissioner of Indian Affairs with respect to the purchase of Indian cattle and the consequent reduction of his range. He will meet any change in the conditions, simply asking that he have reasonable notice of the change in order that he may accommodate himself to it. But I do wish to say that I have listened to a great many statements, and I have read a good many statements since I have had an opportunity to examine the record in the past week, and, so far as they relate to Mr. Heinrich, I should be very glad to set the true facts before your commission, in order that you may consider them in connection with other facts in reaching your final conclusion. With a view to making that sort of statement I would like to take the liberty of suggesting that the record, as far as it has thus far been prepared in these hearings, should be printed; and, on Mr. Heinrich's behalf, I will promise to put before you such facts as affect him, or the facts in respect to the matters that have been alleged affecting him.

Mrs. GREY. Right there, Mr. Chairman, does the oath you take here amount to anything at all—to tell the truth?

Senator LANE. It is presumed to.

Mrs. GREY. If people come before this commission and make false statements, is there any recourse to be had?

Senator LANE. A very severe penalty is attached to it.

Mrs. GREY. Now, I have been making a good many statements here. This matter has been thrashed out over and over. The Senate committee had Mr. Dalby down before it and refused him his confirmation for five sessions on account of his false statements. Now, if he comes before this committee and makes false statements, or if I make false statements, I want it known.

Mr. DALBY. May I be permitted to contradict that statement? It is without foundation in fact.

Senator LANE. I do not see how we can prove it, if you people will not agree in any of your statements. We would have to take outside testimony on that. Would there be any way of getting Mr. Heinrich here?

Mr. DALBY. Mr. Heinrich has at present about as much as any one man can possibly do, but when he is able I am sure he would be glad to meet your commission. At present he is up against the proposi-

tion of readjusting a property that is worth upward of a million dollars. That property, as has been called to your attention, is necessarily carried partly on borrowed capital. The necessity to close that property out, practically without notice, subjects him to a shrinkage in value which on the most conservative estimate may be 10 per cent.

Senator LANE. Does Mr. Heinrich own these cattle?

Mr. DALBY. Yes, sir.

Senator LANE. Is he the sole owner?

Mr. DALBY. He is the owner, sir.

Senator LANE. Is he in partnership with Mr. Bostwick, or anyone else that you know of?

Mr. DALBY. I do not know of his having any partner at all. I know that he has borrowed capital in his business, and there is no cattleman in the West that I know of that has not borrowed capital in his business.

Senator LANE. Do you know whether Mr. Bostwick is interested in the Heinrich Cattle Co. or not?

Mr. DALBY. There is no Heinrich Cattle Co.

Senator LANE. Well, Mr. Heinrich?

Mr. DALBY. F. M. Heinrich is the owner of the herds upon that lease.

Senator LANE. Is he the sole owner?

Mr. DALBY. As far as I know, he is?

Senator LANE. Do you know whether he is?

Mr. DALBY. That is my information, sir. I have never investigated. That is Mr. Heinrich's statement to me.

Senator LANE. Do you know whether Mr. Bostwick is interested?

Mr. DALBY. I understand that he is not.

Senator LANE. You do not know whether that is true?

Mr. DALBY. I can only state it on information.

Mrs. GREY. Mr. Heinrich signs there as manager.

Mr. DALBY. Will you show me that signature, Mrs. Grey?

Mrs. GREY. Senator Lane had it there.

Senator LANE. It says, "Frank M. Heinrich, manager." Now, that was September 27, 1913. This is a certificate sworn to before William A. Petzoldt, notary public, Lodge Grass, Mont. He is not the owner at all. He does not claim to be owner.

Mrs. GREY. Mr. Heinrich testified that when he shipped cattle—

Mr. DALBY. If I may make a statement about that, Senator, I should be glad to do so.

Senator LANE. Yes.

Mr. DALBY. You will observe that the statement appears to be a form. It is a requirement, as I understand, in all the permits that the permittees shall furnish to the superintendent on the 1st of June and the 1st of December an affidavit by himself or by his manager as to the number of cattle run during the preceding six months, and this form, I presume, is prepared by the agency in contemplation of that, and that "manager" is written in in typewriting as the rest of the form is written in in typewriting, and Mr. Heinrich has simply signed that and not crossed that out. He is his own manager. He is not manager for anybody else.

Senator LANE. But he signed as manager when he was the owner?

Mr. DALBY. He has simply signed "Frank M. Heinrich," and he has, perhaps, carelessly neglected to cross out what was in the form submitted to him.

Senator LANE. Of course, that would naturally impress one that read it with the idea that he was the manager.

Mr. DALBY. He is the manager; manager for himself.

Senator LANE. He is also the owner for himself?

Mr. DALBY. Yes, sir.

Representative BURKE. Your theory is that this is a blank?

Mr. DALBY. I presume it is.

Representative BURKE. It rarely happens that the owner of cattle in these large numbers, such as Mr. Heinrich has, is personally in charge.

Mr. DALBY. I think that probably is the situation.

Senator TOWNSEND. I think there might be good ground for Mr. Dalby's suggestion on that, because part of this is typewritten, and the different blanks are filled in. I take it that that statement could have been made either by the owner or by the manager.

Mrs. GREY. When they were questioning Mr. Heinrich about the number of cattle he had another time he said he did not know how many were shipped, that the receipts from Chicago went to the bank at South Omaha, and he did not know until the end of the year. If he had been a partner even of a large owner, a duplicate bill would have been sent to him, would it not? It always is done.

Senator LANE. I do not know how that is.

Mr. DALBY. I am not acquainted with the circumstance to which Mrs. Grey refers, but I hope I can explain that situation.

Mrs. GREY. The trouble is, Mr. Dalby, you can explain so many things.

Mr. DALBY. Mr. Heinrich makes his shipments at certain periods, usually in August, and from then until October, and the accounts are kept by his commission merchants in Chicago and Omaha or wherever the cattle are sold, and the remittances are made to his bankers. Now, the accounts of sales are sent through the banks, and I presume that there is his most convenient place for getting these returns. Unquestionably he has a check upon that.

But Mr. Heinrich has not an elaborate business system. He has not a set of bookkeepers. He has not an office. He transacts his own business himself, and carries it in his own head, so that probably he does not have it in a way that he can state those facts offhand, but he does have it so that he can determine them, and that is the way in which he would undoubtedly in that situation determine it.

Mrs. GREY. He said he did not know how his cattle were shipped, and had no returns from his cattle excepting at the end of the year. It would be exactly what a manager would have.

Representative BURKE. I was about to ask you what particular point you had in mind that you wished to rebut, if there is any testimony that affects Mr. Heinrich. With us Mr. Heinrich is, in a large sense, an incident. Consequently I am not concerned especially about what Mr. Heinrich may say as to some of these details.

Mr. DALBY. From that point of view, I am glad to say that Mr. Heinrich is ready at any time to meet any change in policy, simply asking that he have reasonable notice.

Representative BURKE. I know that a man that has a million dollars' worth of cattle on the Crow Reservation must do what any other human being would do—he is looking after his interests there.

Mr. DALBY. The best he knows how.

Senator LANE. How long has he been running cattle on the Crow Reservation?

Mr. DALBY. About 15 years.

Representative BURKE. He started with a very small herd.

Mrs. GREY. Seventy-nine head.

Mr. DALBY. I stated those facts pretty fully.

Representative BURKE. And, in my judgment, if Mr. Heinrich lived long enough, and if this system continued that has obtained there for the last 10 years, he would ultimately own pretty nearly the whole thing. I am not charging him with any bad intentions in that; it would just be the natural thing. He owns there now a lot of land, does he not?

Mr. DALBY. He does, for which he has paid the highest price that has been paid.

Representative BURKE. Undoubtedly. He is buying it because he can use it and nobody else can use it.

Mrs. GREY. They can not on that range.

Representative BURKE. And if we maintain conditions on that reservation as they are, and if the lands of those allottees are sold as they die, and if Mr. Heinrich continues there, he will acquire them when they die. That is natural.

I have stated for years that I am opposed from any standpoint to these large leases to large cattle owners on Indian reservations, because it will not serve to promote the interest of the Indians. On the contrary, it demoralizes them, and it will afford an opportunity for an individual or a corporation ultimately to acquire a great area of land that, in my judgment, is not desirable in one ownership. That is my position. I think Mr. Meritt will say that the present policy of the Indian Bureau is to discontinue this leasing system; that is, in many of the reservations where they have had leases you are notifying them that they must vacate at the earliest possible time without sustaining too much loss?

Mr. MERITT. That is our policy at the present time.

Representative BURKE. I am not censuring Mr. Heinrich; Mr. Heinrich is doing probably what I should do if I were in that business.

WASHINGTON, D. C., June 12, 1914.

The Joint Commission of the Congress of the United States to Investigate Indian Affairs, Washington, D. C.

GENTLEMEN: Having received notice through the courtesy of your secretary, I attended the hearings before your honorable body on the evenings of May 27 and June 4, and between those date I examined the record of previous hearings on the same subject held on January 26 and 27, February 3, and March 17 and 18, 1914.

At each of the hearings above referred to misstatements were made to you which were clearly calculated and intended to reflect discredit upon the character of Frank M. Heinrich and bring in question the integrity of his dealings with the Government and the Indians under the permits granted him to graze cattle upon the Crow Reservation.

At the hearing on June 4 I pointed out some of the misstatements made at that hearing and in a measure corrected them. Many of the statements made to you regarding Mr. Heinrich are evidently based upon hearsay only, unsupported and uncorroborated by any competent evidence, and many of them can be directly shown to be untrue. None of the allegations of wrongdoing on Mr.

The records of the office show the following amounts deposited from grazing sources during the last five years:

Fiscal year—

1909	\$52,441.26
1910	113,649.40
1911	153,690.00
1912	157,250.00
1913	158,307.50
Total	635,338.16

Following is a statement showing annuity payments made to the Crow Indians for the fiscal years 1909 to 1913, inclusive:

Fund.	1909	1910	1911	1912	1913	Total.
Indian moneys, proceeds of labor (grazing fees)	\$17,880.00	\$31,914.00	\$35,416.00	\$17,609.00	\$17,380.00	\$120,199.00
Proceeds of Crow ceded lands	21,522.00	21,282.00	21,258.00	51,385.00	45,764.10	164,211.10
Crow fund					6,680.05	6,680.05
Interest on Crow fund					2,038.85	2,038.85
Fulfilling treaties with Crows					11.00	11.00
Total	39,402.00	53,196.00	56,674.00	71,985.00	71,934.00	293,191.00

The total number of allotments made to the Crow Indians as shown by the records of the office is 2,439, covering 479,182.07 acres. There are at the present time approximately 350 Indians who have not received allotments.

From a report dated May 26, 1914, of James B. Kitch, examiner of inheritance, it is shown that there are a total of 1,058 heirship cases on the reservation.

On May 15, 1914, there were the following balances in the Treasury of the United States to the credit of the Crow Indians:

Proceeds of Crow ceded lands, act of Apr. 27, 1904 (33 Stat. L., 352):

Purchase of cattle	\$400,000.00
Purchase of ewes	40,000.00
Purchase of stallions, etc.	5,980.00
Erection of hospital	10,000.00
Delegation expenses	2,527.20
Fencing	7,749.06
School buildings	100,000.00
Beneficial objects	27,202.01
	593,458.27
For other purposes	309,462.96

Total 902,462.22

Indian moneys, proceeds of labor (Crow Indians): Proceeds of grazing, etc., nothing.

Money belonging to individual Indians of the Crow Agency is deposited in but one bonded bank—the Merchants National Bank of Billings, Mont. The monthly statement of deposits, signed by the cashier of the bank, shows that there was deposited to the credit of the individual Indians the sum of \$89,411.72 on April 30, 1914.

The report of the Crow superintendent for the quarter ended March 31, 1914, shows that there were 208 individual accounts, of which 9 were for sums of less than \$10 each, 82 for more than \$10 and less than \$100 each, 97 for more than \$100 and less than \$1,000 each, and 20 for sums in excess of \$1,000, the highest being \$4,081.31.

Since January 1, 1909, 7,337.10 acres of Crow lands have been purchased by Frank M. Heinrich.

Following is a list showing approximate number of allotted tracts within each grazing district, and the approximate allotted acreage in each district:

District.	Allotted tracts.	Acreage.	District.	Allotted tracts.	Acreage.
1	521	58,944.76	4	727	80,542.84
2	346	38,921.54	5 and 1 D range	1,774	199,532.23
3	586	46,683.35	6	303	34,084.47

The number of tracts in each district were counted as accurately as possible from the information in this office relating to the boundaries of the grazing districts. The entire number of acres of allotted land was divided by the number of tracts and the amount of allotted land in each district averaged. This includes allotted lands sold to whites and land under fence, as well as unfenced allotted lands. The number of tracts of allotted land as given above is in excess of the number of allotments on the Crow Reservation, for the reason that in many cases the land of an Indian was not allotted in one contiguous body. The land on the diminished reservation west of the Big Horn River, in T. 1 s., R. 33 E., and about four sections in T. 2 S., R. 33 E., are not included within the limits of any grazing district. Practically all this land is allotted.

The total amount of money expended for irrigation purposes on the Crow Reservation to June 30, 1913, is \$1,185,151.98. During the fiscal year to April 30, 1914, \$86,227.24 was expended, making a total of \$1,271,379.22. Ditches have been built to deliver water to 68,756 acres of land, at an average cost of less than \$16 for construction.

On June 30, 1913, 11,376.5 acres are reported as being cultivated by 325 Indians; 3,517 acres by lessees; and 2,347 acres by white purchasers.

Should any further information be desired for the use of the commission the office will be pleased to furnish it.

Very truly, yours,

E. B. MERITT, *Assistant Commissioner.*

(Thereupon, at 11.20 o'clock p. m., the joint commission adjourned to meet at the call of the chairman.)

WEDNESDAY, JUNE 17, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission, being in session, proceeded to the consideration of conditions on the Crow Reservation, Mont.

TESTIMONY OF HON. CATO SELLS, COMMISSIONER OF INDIAN
AFFAIRS.

(The witness was duly sworn by Senator Lane.)

Senator TOWNSEND. Before you proceed, Mr. Commissioner, have you investigated this case of Mr. Simpson?

Commissioner SELLS. I did not make a personal investigation of it. It was presented to me after a hearing had been had before Mr. Dortch. My understanding, however, is that the matter to which they have just referred, concerning the use of narcotics, was in no manner a matter of consideration. This is the first I have ever heard of that.

Senator TOWNSEND. It was a report of Government officials to you?

Commissioner SELLS. Yes, sir; Mr. Dortch.

Senator TOWNSEND. I suppose you would consider that, if it was not true, such an act on the part of an official would certainly not entitle him to your favorable consideration.

Commissioner SELLS. My understanding, Senator, is that the matter concerning the use of narcotics was not at issue at all. I have never heard that at all until I heard it here at this table to-night.

Senator LANE. But in the event such charges had been filed against this woman, she not being an employee of the Government, and the

charges were false, that would not be a nice thing for the Government employee to do?

Commissioner SELLS. No, indeed; it would not; it would be wholly unfair and improper, but I do not understand that Mr. Dortch had anything of that sort before him. I think the charges at issue were those of leaving the agency without permission, insubordination, and those only.

You are now referring to Nicholson. The part I did not understand fully is that Nicholson is the superintendent of the agency at Kashena, where all the mills—

Representative BURKE. Menominee?

Commissioner SELLS. At Neopit, one of the big affairs of the Indian Service.

Senator TOWNSEND. What can you imagine he had in mind or what business he had in writing you a letter making these charges against these people?

Commissioner SELLS. I do not know. I am wholly unable to make any statement concerning it. I know nothing about it; I never saw the letter.

Senator TOWNSEND. These letters appear in your files, and have been brought here before this committee.

Commissioner SELLS. The only matter I recall concerning it where the charges read by Mr. Simpson, concerning his conduct, and I think, incidentally, Mrs. Simpson was involved in it; but as to the details I do not recall them, except I do recall that Mr. Simpson was given a hearing before Mr. Dortch, and the letter was subsequently presented to me, and on the general presentation the finding was had, as he has read to you and told you about.

Senator LANE. Mr. Sells, you are probably aware this commission is appointed by Congress to investigate the affairs of the Indian Bureau, and I wish to say to you on behalf of the commission, so far as I may speak for it, that they, as members of Congress, at least, I, as one, feel under obligations to do our full duty by those people whom we represent. It is a matter concerning the Indians, which has been intrusted to us to draw up legislation in their behalf and for the conduct of the affairs of the bureau of which you are the official head. There are certain complaints being made in regard to the conduct of the department, which we have felt it our duty to look into, and it is in pursuance of that duty without prejudice to anybody, that we are making the present inquiries.

Commissioner SELLS. That is entirely commendable.

Senator LANE. It is very good on our part, and shows that we are very good people, but it was not said for that purpose. It was just to show you that we had no prejudice in the matter, and that it became our duty in this instance to call upon you for some information relating to some charges which had been filed with the commission some time ago. There are many charges; there are many complaints coming in from all over the United States. Some of them are rumors and perhaps do not amount to much and some do not materialize. There are so many of them that the commission is unable to take hold of all of them, but there are some that are specific, and among others there has been the case of the Crow Agency, of which you have heard, and a question has been raised about the manner in which the business affairs of that agency have

been handled for some time past. There has been complaint—and this antedates your connection with the department—on the part of the Indians that their affairs are not conducted in their interest. Of course, the only representative they have, the man who stands in relation to them as a guardian, is the Commissioner of Indian Affairs, and so it interests you.

They charge that their affairs have not been handled to their benefit; that while they have a large amount of land, some of which is good land, some not so good, that they secure no benefits from it; that it is used and the returns from it have gone mostly to the benefit of the white man; that in some instances white men have grown wealthy from the use of their lands; that during the last winter, for instance, they went hungry, though at the same time there was money in the Treasury to the credit of them as a tribe, and that last year they did not receive a certain annuity, which if they had received it would have kept some of them from going hungry; that owing to the fact that they did not have enough to eat some of them died—not many of them, but a few; that in other cases they used flour and potatoes mixed together into a sort of paste, which they cooked, and it was all they had to live upon; that in one instance one Indian became so destitute that he begged permission from one of the stockmen to purchase from him any dead cattle which might have died from starvation or from disease and which lay upon the plain. They also made a complaint to the effect that while they had some things which they could sell in the way of hay, that they were not allowed to sell it; and the lessee, who had a permit from the Government to use the range and who was under contract to purchase that hay, refused to do so; that they had an opportunity, in some instances, to rent their lands for a cash rent, and that the department refused to let them do so; that at the same time some of these allotted lands which belonged to them were unlawfully included in leased lands to a large lessee whom they claim treats them with a great deal of harshness and unfairness.

Now, in looking over these matters, we have not been able to run them all down, but the lease question was brought up here a few days ago, or a short time ago, at one of our hearings, and it was ascertained from the evidence given here that the department did lease these lands to certain large lessees, or rather let them out under the permit system and included in that had allowed the permittee or lessee to use the allotted lands of the Indians, for which the Indian received nothing and from which the Government received no benefit. Those were the same lands which the Indians were not allowed to use for their own benefit. In one case, it seems, perhaps, that a third of the land which one large lessee uses is allotted land and amounts to 80,000 or 100,000 or 200,000 acres, of which there is nowhere rendered any account so far as we are able to ascertain, and which apparently is unlawful and contrary to the provisions of the law. Do you know anything about that?

Commissioner SELLS. You are giving me a great deal of information, Senator.

Senator LANE. And, then, I was going to say further, in a great many instances this information had been filed with you.

Commissioner SELLS. You mean at the office?

Senator LANE. Your office and to you in person, had been presented to you by mail and in written communications, and the complaint had been filed with you.

Commissioner SELLS. Will you be a little more specific and perhaps we can get at it better? What lease do you refer to, Senator?

Senator LANE. Any of them or all of them.

Commissioner SELLS. Let us be a little more specific. There are on the Crow Reservation, as I recall it—you will understand that I can not speak of the details very thoroughly—leases covering what we call or rather permits covering Nos. 1 and 2, which are on the east side of the agency, and have been held for some little time under same lease by Spear Bros. Then there is what is known as No. 3, which is west—I do not know the name of the river—but on the west side of the reservation. That lease expired some little time ago. It was, I think, held by Rea Bros. West of that is a lease known as permit held by one McDaniels, which is known as No. 4, I think. Then there is a lease known as No. 5, which has been held recently by one Heinrich. I think that is, in part, the leases, Senator. Which one do you refer to?

Senator LANE. I think the same conditions, perhaps, obtain in all cases, as far as I know.

Commissioner SELLS. I suspect that that can not hardly be true—

Senator LANE. Nearly all of them.

Commissioner SELLS. Although I could not speak in detail.

Mrs. GREY. I think it is very true.

Commissioner SELLS. I think it could hardly be true, as I said, if you will pardon me—

Senator LANE (interposing). Mrs. Grey, you are not on the stand.

Mrs. GREY. I thought he was looking toward me.

Commissioner SELLS. Only generally, including you in the general vision.

Mrs. GREY. I thought you were looking right at me and were asking me the question.

Commissioner SELLS. For the reason, as I recall that: I can not speak of details—the leases known as 1 and 2 I do not think have a great many allotments on them. The large part of the allotments are on what has been known as the Heinrich lease. I think there are not many on the lease known as No. 3, and I presume there are none on what is known as No. 4. I do not speak with accurate knowledge, however.

The lease known as Heinrich lease has been in existence for some time. It does not properly expire, except by revocation, until 1916. That lease, however, has been diminished very considerably and is in the process of adjustment, although it has not properly expired except by revocation. I think that you are perhaps right. I only speak generally, you understand, because I could not recall the details, it not having been called to my attention before. These general permits have been made, including individual allotments of Indians, for which they have not received compensation, other than they have been paid out of the tribal funds for this rent, and I must say to you that I think that is wrong. I think, too, that the diminished lease, as it now is in process of construction, does not include but very few of those allotments, Senator.

Senator LANE. Do you know whether it includes a dozen or how many?

Commissioner SELLS. A very few, a few along the branches, along the small streams, but very few; that is my general information.

Senator LANE. If it includes any that is contrary to the law, which specifically provides—

Commissioner SELLS. That lease, however, is of some two years duration and does not expire properly, except by revocation, until 1916.

Senator LANE. When was it made.

Commissioner SELLS. Something like two or three years ago; I do not know.

Senator LANE. Has there been a new lease or permit made in which that has been taken up?

Commissioner SELLS. There is one in the process of execution, covering the very south end, and in that there has been very few allotments.

Senator LANE. But there are some?

Commissioner SELLS. I suspect there are a few.

Senator LANE. That is a new permit, is it not, and takes up the old lease?

Commissioner SELLS. That would be a new permit, but it is a concession on the part of all concerned, in that it is a part of the old one.

Senator LANE. Then there has been a new lease or permit given Heinrich?

Commissioner SELLS. There has been none approved.

Senator LANE. Is it not here already approved?

Commissioner SELLS. No; you will not find one approved.

Senator LANE. Is that right?

Commissioner SELLS. There is one in the process of execution.

Senator LANE. I understood Mr. Meritt to say the other night, according to my recollection, it has been accepted and the transaction was closed.

Commissioner SELLS. I think not.

Senator LANE. Then, there was one given to some one, a firm of McGee—

Commissioner SELLS. McGee & Zimmerman?

Senator LANE. Yes.

Commissioner SELLS. That is in the process of execution. In that lease, however, there are very few allotments, as I now recall.

Senator LANE. Are there not a large number of acres of land included in either that or the other one? Do you remember which one it was which contained the allotments?

Mrs. GREY. No. 3.

Commissioner SELLS. That would be the McGee lease.

Senator LANE. Do you know about how much allotted land there is included in that lease?

Commissioner SELLS. I do not know definitely, Senator. There is a small amount. There are some allotments, perhaps. That lease, let me say, if you care to hear it a little more fully, expired, I think, last February. It was supposed to contain something like 400,000 acres. In fact it contains a little over 300,000 acres, much to my surprise, ceded land at the north end, next to the Milwaukee Rail-

road, and includes less than 1,000,000 acres—I am not advised exactly—and it has been rented heretofore as including the ceded land, and was about to be at this time, when it came to my attention that we had no legal right—I will not assume to adjudicate it at this time—to include it and to insist upon pay for the ceded portions. That No. 3 was advertised at the proper time and bids were made. Under the old lease on No. 3, I think, the amount the Indians received for the use of that was \$17,000 annually.

The result of the advertisement was that after the bids were in I did not think it was enough, although it was considerably more than \$17,000, and I rejected the bid, and we readvertised, and on readvertisement for some reason, for which I have never yet had a satisfactory explanation, it was considerably less, and I was quite concerned, and you may imagine felt somewhat indignant about it, and declined to accept bids, and the result of it was I attempted to negotiate. As time was passing and it was about to be lambing season, a time when the stock should be put on the lease, if they were going to have the benefit of the use of the grass for the season, I was quite concerned although I was trying to conceal my concern while I was attempting very vigorously to accomplish a new contract that might save us the use of the land during this season. I did succeed in making a contract that I thought right favorable in increasing the amount to be received by the Indians for No. 3 something like \$7,000 or \$8,000. However, after considerable negotiations and a great deal of resort to activity in the way of accomplishing the best price obtainable, I found that the men to whom we had made the tentative lease would not be able to comply, and almost accidentally I made it known to some other parties and I saw prospects of securing a new tenant who would take the permit, and I teetered for several days quite dexterously, I thought, in my aggressive effort not to let go of an opportunity to let the grass be used during the season, and keeping one man waiting at the door while another man was telegraphing and his representative was calling constantly over his telephone, and I was trying to be fair toward all, and sure I was protecting the Indian, as I was all through, and I was quite aggressive about it.

I finally saw that I was going to lose the man on hand unless I closed with him, and I was fearful if I lost him I would not get the other, and it was getting so late I proposed to close with the last man, and then even at that late hour, for one year and nine months, I was successful in making a contract for \$45,000 for the lease, with the understanding that the diminished portion taking out the ceded part, should not mitigate against the Indian, and so stated in the lease, which amounted to \$24,000 a year, against \$17,000 on previous years. I thought I had accomplished something quite worth while. The lease has been teetering in the balance since. I got \$11,000 payment on it, and thought I had it cinched so it could not get away, and I have the \$11,000 in our possession, with the prospect of closing the lease fully and am permitting them to put on their stock, believing, as I do, that we will finally pull out and save the lease.

That is a brief scattered history of the lease No. 3, as we have been attempting to secure it.

Senator LANE. That is No. 3?

Commissioner SELLS. That is No. 3.

Senator LANE. That is the lease to McGee & Zimmerman?

Commissioner SELLS. Yes, sir.

Senator LANE. And what did they pay?

Commissioner SELLS. \$45,000 for one year and nine months, which would be \$24,000 a year, or \$2,000 a month, as against \$17,000 a year previous.

Senator LANE. Do you know how many allotments there are in that?

Commissioner SELLS. I do not know, Senator, but my understanding was that there were very few.

Senator LANE. Mr. Keating, did you look that up at the last meeting?

Mr. KEATING. Yes, sir; we have it entirely, Senator. I could not tell you how many allotments. There are a good many of them.

Commissioner SELLS. On No. 3?

Mr. KEATING. The whole reservation.

Commissioner SELLS. I was speaking of No. 3.

Mr. KEATING. I just looked them all up. The records are up in Senator Kenyon's office.

Commissioner SELLS. There are some in there.

Mrs. GREY. I think fully two-thirds of No. 3. I compared them with Mr. Keating and I had the allotments.

Commissioner SELLS. Certainly you are very grossly mistaken. That is beyond the river to the west.

Mrs. GREY. We will show you where it comes. It comes about that way [indicating on the map].

Mr. KEATING. We have the records; I would not like to say how many.

Commissioner SELLS. There may be considerable in there.

Mr. KEATING. There is considerable.

Commissioner SELLS. I want to say to you this, in that connection, Senator, there may be more. My attention has not been called to that until now. If that be true, it would be the first time it has been specifically called to my attention. In the making up of the details of these leases I did not write the leases. I can not give my close detailed attention to all of the details of the lease; but, Senator, I want to say to you that, generally speaking, it would occur to me as an entirely righteous suggestion that an Indian who has land that has been allotted, when leased he should receive some compensation for his allotted rights in addition to his share in the tribal funds, generally.

Senator LANE. Yes; but, Mr. Sells, here was a case.

Commissioner SELLS. And there is no reason why he should not.

Senator LANE. Here is a case where the Indian did not receive any compensation, where he had opportunities to rent the land to others, made application to do so, and was refused the right and privilege, and complains, and it seems, as a matter of fact, that his land has been illegally and unlawfully withheld from him and other people allowed to use it who paid no rental—

Commissioner SELLS. That is not right.

Senator LANE. That is not right. If that condition has existed, it is more than "not right"; it is worse than "not right"; it is deadly wrong.

Commissioner SELLS. Yes.

Senator LANE. And in the same case the same Indians who own this land have been in a state of destitution. That complaint has been made, and it has been filed here and it has been filed in your office, and we find that despite that fact that a new permit has now been entered into which again apparently—

Commissioner SELLS. Which one do you refer to now?

Senator LANE. The McGee permit.

Commissioner SELLS. McGee has never had a permit—

Senator LANE. Has he not one now?

Commissioner SELLS (continuing). Before.

Senator LANE. Since these facts have been filed and brought to the attention of the Indian Bureau a permit is now being made out allowing McGee & Zimmerman to go ahead and do the same thing with the Indians' land.

Commissioner SELLS. Senator, if it becomes apparent that allottees on permit No. 3, if their land is being used in the general lease, there is no reason why in the payment of the rental that they shall not share in proportion as they have acreage, and in addition to their general interest in the tribal funds.

Senator LANE. It is against the law to do that.

Commissioner SELLS. While I suspect that there is a question as to whether or not there is a legal point involved there, I think it would perhaps be best to consider that. It is very helpful to have these things suggested, and I gladly welcome them. I think that it would be entirely proper, Senator and gentlemen, that regulations should be promulgated covering that particular thing and going further than that very much. I see no reason why an Indian on such a lease holding—I speak now of a large one—should not at his pleasure inclose it. I insist that he have the right if he asks for it. It is his right that he should be protected in, and that if he wishes to lease it to anyone it is his privilege that no one has the right to deny him, and that if he sees fit to allow it to go into the general lease or permit, he should receive compensation in addition to the amount that he might receive from the general fund paid for the whole lease, compensating him individually for the portion he owns as an allottee.

Senator LANE. Here is a letter from your department, dated January 3, 1914, from Little Nest, of Wyola, Mont.:

[Land contracts, 148975-13. Application to lease.]

JANUARY 3, 1914.

LITTLE NEST, *Wyola, Mont.*

MY FRIEND: I have received and considered your letter dated December 13, 1913, requesting that you be allowed to lease your allotment and several other allotments belonging to members of your family, to Mr. John Booz, for a period of three years on certain terms and conditions.

It appears from a report recently received from the superintendent at Crow Agency that you submitted a similar application to him, which was denied. The office has also recently received a communication from Mr. Booz applying to lease a number of Crow allotments in a body for grazing purposes.

Some time ago the office instructed the superintendent at Crow Agency to prohibit all leasing of allotments in groups for grazing purposes situated within the tribal pastures. This decision was reached after the matter had been very carefully considered, the principal objection being that if such leasing were permitted, outsiders would secure control of groups of allotments taking in favorable watering places, which would damage the interests of the

tribal permittees. The danger of cattle breaking out and straying from the enclosures onto the tribal pastures would also be very great. If Mr. Booz, or any other responsible applicant should desire to lease the allotments in question for farming purposes, the office would consider such application, but for the reasons above given you are advised that the office deems it for the best interests of the Crow Indians as a tribe to deny the application submitted by you.

Your friend,

E. B. MERRITT,
Assistant Commissioner.

(12-A. N. B.-27. H. 17.)

Here is a case, and there are many others, where the Indians were receiving nothing for the use of their allotments, and the Government was receiving nothing, apparently, for the use of them, being used by the large lessee or permittees, or whoever had control of them. I do not know which lease that is on.

Commissioner SELLS. That would be the lease under what is known as the Heinrich lease.

Senator LANE. Where the Indians were in need of money and in distress, and desired to secure the use of their land, and where the man wished to rent it and to buy their hay at a better price than they were receiving, and offered to fence their land, in the manner provided for by the laws of Montana, they were denied the right to do so, and at the same time, as I say, they were in an impoverished condition and receiving nothing for the use of it and the permittee had the use of it for nothing. That is the condition which has occurred in other instances. It is not singular; in fact, there were quite a number of them, and it struck me there were something wrong about a condition where Indians who were wards, helpless and destitute, and their affairs should be managed in that way and they be refused the right to receive any compensation for property belonging to them, which has been assigned to them, and the land on the other hand used by some one else for nothing.

Commissioner SELLS. I should suspect not "used by some one else for nothing," but I suspect the individual received no more compensation than participation in the general fund.

Representative BURKE. For the commissioner's information just at that point, I desire to inject a report from the superintendent just to show you that this is the policy and it prevailed when that letter was signed by Mr. Meritt.

Commissioner SELLS. I was about to come to that; I was about to say that.

Representative BURKE. I am not going to read it all, but the superintendent says (insert 4746):

It is impossible to formulate a system which will work exact equity to each individual member of the tribe; and, therefore, we must resort to that which will result in the greatest good to the greatest number. In the judgment of the office the best and most practicable arrangement would be to have it understood that the large grazing permits include the allotted grazing lands which are unfenced. With this understanding the lessees would be willing to pay a higher rental, being assured that the water which is now open and available would remain so during the term of their lease. An order from the department prohibiting the leasing of grazing allotments, especially in groups which is practically the way in which they can be leased, during the life of the tribal leases, would be accepted and acquiesced in by the whole tribe, and would settle the question permanently and satisfactorily.

Commissioner SELLS. By whom is that signed?

Representative BURKE. That is signed by Mr. Scott.

Commissioner SELLS. The late superintendent?

Representative BURKE. Yes. Now, Mr. Abbott, after referring to this, says:

In view of the foregoing and the conditions reported by you, this letter will be your authority for prohibiting leasing of individual allotments for grazing within the territory embraced in the tribal grazing districts during the terms of the leases and permits now in effect or that may be hereafter approved. It is believed that this procedure is best for the interests of the tribe as a whole and that the Indians will readily acquiesce and conform thereto. You will please make the order known to all interested parties, and especially acquaint prospective bidders for tribal grazing privileges with its purport, to the end that the best possible offers may be obtained.

Every effort should be made to encourage the Indians to fence their grazing allotments for the use of their own stock.

Now, in 1914, Mr. Meritt, in passing squarely upon the application of Little Nest, who was offered, so he stated, 20 cents an acre for his 320 acres, which would be \$64, denied his application, because the policy of the department was not to permit grazing leases within this area covered either by the permit or by the large leases. The land was leased for 3 or 4 cents an acre, so that Little Nest, if he received his pro rata share, would not be getting what he could have gotten for his 320 acres.

Commissioner SELLS. I understand that had been the policy for a number of years, and this letter you read is in harmony with that long-established policy. It is no reflection upon Mr. Meritt that he followed that out. However, I am quite inclined to the opinion that a new policy is the proper thing.

Senator LANE. Now, if these lands have been let, and it seems that they have been—that is, the lessees have been allowed to use them and they have not been included in the number of acres contained in the leases—they have had free use of them, in other words—

Commissioner SELLS. I think you are wrong about that, Senator.

Senator LANE. I say, if they have—

Commissioner SELLS. The general leases cover it, but the tribe would be the beneficiary, and the individual allottee would share in it only as he was a member of the tribe.

Representative BURKE. Now, the original leases had a provision by which the lease was to be void as to the allotted land, indicating that it was not included, but by common consent it was understood—

Commissioner SELLS. That would avoid the law question then.

Representative BURKE (continuing). It was understood they were to have the use of it, and when the individual demanded the right to lease his land and have it fenced, then this prohibition was brought to his notice.

Commissioner SELLS. I see. That has not been brought to my attention before. I presume that is history, is it not?

Representative BURKE. Well, here is the Little Nest case—

Commissioner SELLS. I mean the principle you suggest.

Representative BURKE. It goes back to 1911. Here is the application in the case of Scratches-his-face, November 26, 1913; that is under your administration; and then the Little Nest cases, and Rosa Peters—

Commissioner SELLS. You understand, gentlemen, that letters of that sort do not come to my attention—any matters of detail of that kind. We try to reach them as fully as we may be able.

Senator LANE. I wrote you some letters calling attention to this.

Commissioner SELLS. You did, with regard to some phases, perhaps; but not this particular matter.

Senator LANE. I think so.

Commissioner SELLS. If so, it may not have come to my personal attention.

Representative BURKE. On November 4 the superintendent, Mr. Scott, in reply to one of these people that I have just referred to, went on to say:

If Mr. Booz wishes to farm this land, or an amount enough to make a farming lease, we will be very glad to make the lease for you, but any stock proposition wherein there would be danger of stock running on the outside ranges could not be approved by this office.

Now, there is no question about that being the policy up to the present time.

Commissioner SELLS. I think so.

Senator LANE. If you will allow me, here is a letter dated December 19, 1913, addressed to Mr. Winfield W. Scott, superintendent Crow School, by Mr. E. B. Meritt, assistant commissioner. It says:

[Land contracts, 143525-13. H. V. C. Unauthorized leasing by allottees.]

DECEMBER 19, 1913.

MR. WINFIELD W. SCOTT,
Superintendent Crow School.

SIR: The office has received and considered your letter of December 4 last, with reference to informal grazing leases being made by some of the allottees holding land under your jurisdiction without your advice or approval, and contrary to the order contained in office letter of May 27, 1912 (49059-12), to which you refer. It is understood that in some cases these informal leases or agreements are made by Indians who have control of a group of allotments belonging to members of their families, and that in such cases the tract embraces favorable watering places, being first fenced and thereby excluded from the area included in the permits covering the several tribal pastures. You refer to several specific cases which have come to your attention, saying that the practice is rapidly spreading over the reservation, and you recommend that the previous authority of May 27, 1912, be approved.

As stated by you, previous to the date of the authority above referred to, the matter was fully reported to the office, and after careful consideration action was taken as indicated. It was believed then that such action was for the best interests of the tribe in general without regard to any particular allottee, and that it was only fair to the parties holding permits on tribal lands, which, of course, include all lands not under fence. At the same time it was thought that the Indians should be encouraged to fence their grazing allotments for the use of their own stock, and you were instructed accordingly.

In view of the conditions now reported you are instructed to invoke the authority previously given you regarding this matter, and to prohibit the leasing by allottees of their allotments in groups for grazing purposes. You will take prompt action in all cases of this character that may come to your notice, and cause to be removed from the reservation any stock belonging to outsiders found grazing without proper authority, reporting the facts to the office.

Respectfully,

E. B. MERITT, *Assistant Commissioner.*

(12-H. V. C.-17.)

Commissioner SELLS. That is following out the old policy.

Senator LANE. Yes. Now, that is the condition which has been, as I say, complained of by the Indians among other things. They claim that it does them a great deal of injustice, and it seems that that policy is still being followed in these new permits.

Commissioner SELLS. You are not entirely right, and yet measurably so, in that. The Heinrich lease—which you include in your suggestion, I take it, and which is now under consideration—is a part of an existing lease which does not expire until 1916 and which has been in operation for something like two or more years.

Senator LANE. His was in the same condition.

Commissioner SELLS. That was an existing lease, Senator.

Senator LANE. I know it is.

Representative BURKE. Let me refresh his memory a little further. Under date of November 20 Senator Lane brought this matter to your attention, and on December 8 you wrote Senator Lane—that is, your name is signed to the letter:

Replying further to your letter of November 20, 1913, relative to John Booz, I have the honor to advise you that a report has been received from the superintendent of the Crow Agency, copy of which is inclosed herewith. From the contents of the superintendent's report it would appear that the complaint made to you on behalf of Mr. Booz is not based on good grounds.

Now, that was with relation to these people who had complained that Mr. Booz had offered to rent their land, and he said:

Mr. Booz has never, to my knowledge, been in this office, and we have had no communication from him—

Commissioner SELLS. That is from Mr. Scott?

Representative BURKE. Yes.

Commissioner SELLS. I think I recall that.

Representative BURKE (continuing reading):

Stockmen from the outside are constantly attempting to gain a foothold on the reservation through private arrangement with Indians. The plan adopted is to lease a small tract, and, with that as a base, poach on the ranges leased to the large stockmen. Two years ago this same man Peters brought in sheep from Wyoming, etc.

Now, there can be no doubt that the office has adopted the fixed policy of refusing to entertain applications from small lessees who wanted to lease these lands for grazing purposes.

Commissioner SELLS. I think that has been the policy for a good while. It is only recently that my attention has been called to these matters.

Representative BURKE. What we are trying to ascertain is whether you have the right under the law to make such leases.

Commissioner SELLS. If you direct the question to me as a law question, I would have to say to you, without serious reflection, that I have grave doubt about it. I think, however, a set of regulations can be worked out that will cover all of this, so it will be entirely equitable to the allottees. I can see where it might work some harm to the tribe in procuring the best price for the lease if it covers too many of the big water holes, but I do not see even then where it should be prejudicial to the man who actually owns the property.

Senator LANE. Now, do you presume there would be any way by which these Indians could receive pay for the land during the time it has been used and during which they have been deprived of the use of it?

Commissioner SELLS. That is a very much more serious matter. I do not know but what they might properly recover from the tribal funds their pro rata share for their acreage as compared with the whole.

Senator LANE. If these Indians have suffered deprivation and loss on account of the fact, in part, that they have been deprived of the revenues which they could have derived from the use of their property, is it not due to them and have they not a just claim against the United States?

Commissioner SELLS. I should not care to pass on that at this time, but I should be glad to give it consideration.

Senator LANE. If this policy is going to continue the Government, through its representatives who are the guardians of the Indians, will be building up a set of claims against this Government which the Congress will have to appropriate money to pay for.

Commissioner SELLS. I suppose they have the money, if it has gone into the tribal fund.

Senator LANE. That would not relieve the situation at all—

Commissioner SELLS. The money would be there to pay out again.

Senator TOWNSEND. Here is the difficulty with that, Mr. Sells. Your lease actually excepted these allotments, although your understanding has been that it included them. The terms of your lease exclude the allotted land, so they are not a part of the lease, and the man can say, "I did not lease that." You can not go back of your written contract, but nevertheless it has been understood that he was to have the whole range.

Commissioner SELLS. I can see that. However, those are not leases that have been made during my incumbency. No lease has been made on the Crow Reservation during my incumbency.

Representative BURKE. These permits contemplate the same thing, except that the terms do not include, as I understand it, this provision that was in the former leases, which expressly did except the allotments.

Commissioner SELLS. I am not sufficiently advised at this moment to speak on that.

Senator LANE. Your permits are broader and allow a larger latitude. The permits permit subletting—

Commissioner SELLS. I do not think there is a subletting clause in any of them.

Senator LANE. No; and there always was in the others.

Commissioner SELLS. That they should or should not?

Senator LANE. They are permitted to sublease now, and formerly they were always denied that privilege.

Commissioner SELLS. By affirmative covenant?

Senator LANE. Yes.

Commissioner SELLS. I think not, Senator.

It would follow, as a matter of legal consideration, that where there is no prohibition the right to sublease maintains as a matter of law.

Senator LANE (addressing Mrs. Grey). Can you find a copy of that last permit to McGee?

Commissioner SELLS. I should be glad to have you call my attention to anything in those permits that might seem like they ought to be amended.

Representative BURKE. The query with me is, suppose you should literally try to exclude them; could you make these leases at all?

Commissioner SELLS. You mean covering the allotments?

Representative BURKE. Yes; would it be practicable?

Commissioner SELLS. You remember I remarked a moment ago I had grave doubts about the legality, and it is a very serious question whether it would be practicable or not. But whether it is practicable or not, if there is a legal inhibition and the right maintains, and the allottee asserts his right, he could enforce it.

Senator LANE. Here is one dated February 1, 1914, signed by W. W. Scott, superintendent, to F. W. Heinrich, sole permittee, Crow Agency, which says, "The permittee shall have the privilege of subleasing, with the approval of the superintendent," whereas heretofore it has always been denied.

Commissioner SELLS (examining the paper referred to). It is not approved by the office. That is the diminished lease that is being proposed. How is that dated?

Senator LANE. February 1, 1914.

Commissioner SELLS. That is the expiration. That is an old lease, a void lease.

Senator LANE. This says the payments are to begin the 1st day of February and the 1st day of August in advance. Where is the one you did approve? Is it in this file?

Commissioner SELLS. That was one submitted and disapproved, and there is one pending which has not yet been approved. I think that is a correct statement of the fact. The clause to which you refer was stricken out.

Senator TOWNSEND. What are they operating under now?

Commissioner SELLS. They would be operating under the old lease, which does not expire until 1916—until such time as the one being negotiated now shall have been executed.

Senator TOWNSEND. Is it customary to make this two years and a half?

Commissioner SELLS. Two or more; ordinarily more, Senator.

Representative BURKE. Mr. Commissioner, suppose that one of these individual allottees assented that this blanket lease might include his allotment and he would be satisfied to take his pro rata share of the lease money as a member of the tribe. And suppose he is a full-blood Indian, such as we commonly speak of as noncompetent; do you think he would be estopped from asserting later his right to compensation for the use of his land?

Commissioner SELLS. That would be a very doubtful question again. There are a good many complications involved and serious legal questions.

Representative BURKE. I ask that question because there are those who assert that the Indian must always assent to whatever may be done with relation to his property. Now, if he does assent is it of any benefit to him if he has any substantial right that he has been deprived of?

Commissioner SELLS. I understand the force of your question, but I would not now undertake to dispose of it.

Representative BURKE. I hardly think a guardian would get very far in accounting to a court for mismanagement of an estate that had been dissipated by showing that his ward, who might be a 12-year-old child, had assented to all the acts he may have performed.

Senator TOWNSEND. I think it is a very serious proposition; it is full of trouble.

Commissioner SELLS. And nice complications, Senator.

Senator TOWNSEND. I think that before any leases are made that ought to be worked out very carefully.

Representative BURKE. I want to ask you in that connection, what do you think about the policy of having an area of a few million acres of land, as I believe there is in the Crow Reservation, with 2,300 allotments scattered about through the reservation belonging to individual Indians, and expecting to get those Indians individually to make very much progress so long as there are leases and stock to the number of 50,000 head ranging over the lands of which their allotments are a part?

Commissioner SELLS. Mr. Burke, I presume I could answer that best by telling you the policy that we are inaugurating, with which you are familiar, over on the Sioux, the Lower Brule, the Cheyenne River, and the Standing Rock Reservations. We have there the question which you suggest, and which, measurably, is in harmony with the questions raised here. I have come to the conclusion over there, having taken great pains to ascertain the will of the Indians, that the larger lease holdings there have been vastly to the disadvantage of the individual allottee, and that we will at least try out the idea of seeing that the Indian has the opportunity of not only working his own allotment and grazing such portion of it as he may see fit, but doing it even to the extent of refusing to make leases at all, if necessary, being first sure that the Indian himself is satisfied with his opportunity to develop his allotment both by way of agriculture and of stock.

Representative BURKE. I want to call your attention right there to this Crow situation. It was stated the other night, and admitted, that Mr. Heinrich has obtained by purchase a large number of tracts of land that have been sold, known as inherited lands, and lands of noncompetents. Now, does it not follow that he buys the land really without competition, in fact, because no one else would care to buy 160 or 320 acres of land where the conditions are as they exist in that reservation?

Commissioner SELLS. It practically makes competition impossible.

Representative BURKE. Yes.

Commissioner SELLS. There is a great deal of force in that, and the condition you suggest there is in a measure significant of the very satisfactory conditions which exist in Oklahoma where the leases are made of the individual allotments prior to a sale. With a long-time lease existing on the allotment, the man who owns that lease is almost without a competitor in his purchase. That might be measurably true in these instances.

Representative BURKE. Do you not think that in the Crow Reservation—take the portion that is leased to Mr. Heinrich—if he stayed there long enough, and if he lived long enough, he would ultimately own most of the land?

Commissioner SELLS. In the course of human events, taking into consideration the trend of human nature, the probabilities are that he would be prosperous under those circumstances.

Representative BURKE. Yes. Now, does not that all go to the question of whether or not we ought not to stop that policy of these large leases to these large cattle companies?

Commissioner SELLS. The suggestion appeals to me as having much merit.

Senator LANE. Mr. Sells, there has been a fence placed across the Crow Reservation to divide it into two tracts. The part on one side is occupied by one of the permittees, and the remainder of the tract on the other side of the fence is to be used by the Indians for the tribal herd. Does that fence cut across the reservation in such a manner as to throw a number of these allotments on the side which is occupied by the permittee and thereby cut off the Indian from the use of the land, practically giving it over to the use of the permittee?

Commissioner SELLS. One of the first things that came to my attention after assuming the duties of Commissioner of Indian Affairs was the matters and things involved in your suggestion. I think the first file sent over to me from the Secretary's Office was one that had been transmitted over there before my incumbency, and was returned to me for consideration in connection with the purchase of these cattle which had been authorized.

There is a treaty stipulation with which, I presume, you are all familiar, providing for the purchase of \$240,000 worth of heifers—tribal property—for the Crows, and such further purchases as may be within the discretion of the Secretary of the Interior. That purchase had been authorized just before my incumbency, and it had been delayed until such time—not having taken the oath of office until the 4th of June, that time appealed to me as being very late to do a good job and get the cattle on before it would be so late in the year that the grass would have been practically exhausted and they would have to feed them through the winter.

So, as a matter of what I considered good business judgment, I selected three men—one of them as good a cattleman as there is in the United States, I expect, in sound judgment, personal integrity, and extent of experience. The three men were designated as representatives of the department and the Indian Bureau to proceed to the Crow Reservation and make a personal investigation as to the grass conditions, the protection, and everything pertaining to the matter of the time when and how and under what circumstances the purchase should be made.

They proceeded there, and the result was a recommendation that the stock should be purchased that fall for spring delivery. That would be this spring. They made an affirmative recommendation as to the conditions on the old reservation, including especially the grass, and also the question as to segregation. This whole old reservation [indicating on the map] was at that time under lease to Mr. Frank Heinrich, which lease does not expire until 1916. Please keep that in mind, that the lease does not properly expire until 1916 although there is a revocation clause in it. The result was that when the report was made by this commission they recommended that a fence be built. I can not indicate it exactly because this is only a small portion of the reservation.

Mrs. GREY. It is drawn on this map [indicating].

Commissioner SELLS. I think that is about right.

Mrs. GREY. It was put on from the exact descriptions.

Commissioner SELLS. The recommendation of a fence was made and that it be constructed so that the stock could be placed on there

this spring. Consequently advertisements were made for the purchase of the cattle, there being 7,000 2-year-old heifers, 1,000 2-year-old steers, 1,000 1-year-old steers, and 250, I think, 2-year-old Hereford bulls—and that the fence proceed to construction.

In that connection Mr. Heinrich suggested that if it was the desire of the office he would build a fence. We told him no, we did not want him to do it. We expected that the Indians would occupy that land, not only the north end but the south end soon, and if a fence was built there it should be built by the Indians and be Indian property. It was thought to be wise in that it would not only segregate the present ownerships but in the future it would segregate the ownership of the Indians and they would have their breeding stock on one side of the reservation and their fattening stock on the other and inasmuch as a large ownership would ultimately result if properly handled, and with such accumulations as would naturally come about, and which I expect to bring about if it is possible for me to do it, the whole of that old reservation will be occupied by the Indians' cattle.

Now, the result of that was that this fence was built by the bureau. It cost more than I expected it would, I am frank to say to you. However, in that connection, I might somewhat relieve the situation by stating that, although I was very much out of patience when I realized the amount that the fence cost, four-sixths of the entire cost of the fence was expended for labor. The very large part of it went to the Indians themselves.

However, the fence was built, and the cattle are now being put on there. That resulted in pushing Mr. Heinrich's cattle below the fence, which would bring them down into this section [indicating]. They were pushed south of the fence, or, rather, were to be pushed south of the fence, the changed lease covering the southern portion permitting Mr. Heinrich to put on there 7,500 head of horses and cattle at a fixed compensation per annum per head, with the same charge in excess of the amount which he was to pay for the 7,500. The question of making the terms of the permit under the changed conditions has been in negotiation, and the permit is practically ready, or where it is ready to be passed upon.

The question, however, that has been troublesome in that connection has been the desire of the Indian Office to get full possession of the land north of the fence for the Indian cattle at the earliest possible date, so that there could be no question not only about the Indians having the grass during this season, but, as I view it from experience, more grass than they needed and no trouble about having too much, that they might have winter pasturage, and that they might have plenty of hay to take them through the winter. And yet it was bothersome, for the reason that Mr. Heinrich had some cattle north of the fence, which it was talked of at various times trying to reach some satisfactory conclusion by which the cattle as they come in when they are purchased by the Government for the Indians should start in at the north end of the reservation, and, going to the west side, come down onto the grass, while the cattle belonging to Mr. Heinrich should be driven toward the southeast, and leave the reservation of the pasture entirely free for the use of the Indian herd. That is being rapidly done.

There have been several reports made that I might be absolutely certain to commence the segregation at the earliest moment after the brands were discernible. You know, you can not segregate until you can separate, and as soon as it was possible to separate, the separation was to commence. It has been going on, and I expect has been pretty well accomplished. If not quite, it will be very soon. So that hereafter all of Mr. Heinrich's cattle that are now above the fence will be below the fence, and the entire pasture above will be occupied by the Indian cattle and horses and the new herd being placed there.

Representative BURKE. It was stated the other night by Mr. Dalby, representing Mr. Heinrich, that there are 23,000 head of cattle above the fence, and that they will be out of there between now and the 1st or 15th of July.

Commissioner SELLS. They will be out earlier than that.

Representative BURKE. He can only put 7,500 head below the fence.

Commissioner SELLS. Or pay \$2 a head for all he has in excess of that.

Representative BURKE. Now, upon what basis is he paying, up to the time he does get them off, for the 23,000 head?

Commissioner SELLS. That are above there?

Representative BURKE. Yes.

Commissioner SELLS. Under the old lease. I answer that rather quickly, but that is as it now impresses me.

Senator LANE. The old lease runs for two years yet?

Commissioner SELLS. Until 1916, it is my recollection, Senator. I did not know exactly what you wanted to talk to me about, and I am speaking only as I recall these things.

Senator LANE. The lease runs for about two years.

Commissioner SELLS. Subject to revocation.

Senator LANE. Now, this land on the Heinrich side of the fence—below or above, whichever it is—contains more or less Indian allotments?

Commissioner SELLS. A few, I think, Senator.

Senator LANE. About what proportion of that do you suppose is allotted lands?

Commissioner SELLS. Well, you might surprise me. I do not know exactly.

Senator LANE. As a matter of fact, you have built a fence at the expense of the Indians with the expenditure of their money and fenced them off from the use of their allotments? Is not that true?

Commissioner SELLS. Oh, no.

Senator LANE. Will they have the use of them over there?

Commissioner SELLS. Whatever rights they would have above they would have below. The fence can not change their rights.

Senator LANE. Will they not be upon one side of the fence with their herds and denied access to their allotted land, so far as any right to sublease or rent it to any one else is concerned?

Commissioner SELLS. No; I think there is no difference at all. It does not change their legal status at all.

Senator LANE. But this fence does separate them?

Commissioner SELLS. It may, a few, Senator.

Senator LANE. And if this land is leased to Mr. Heinrich and he has possession of it—

Commissioner SELLS. He has for two years.

Senator LANE. He will have possession of this for two years?

Commissioner SELLS. Below the fence.

Senator LANE. Wherever his side of the fence is?

Commissioner SELLS. That is the presumption.

Senator LANE. As a matter of fact, they are being fenced up—

Commissioner SELLS. That is in conformity, however, it was thought by the gentlemen that made the examination, with the wishes of all concerned. Oh, I have, perhaps, heard somebody suggest that the land might be otherwise arranged.

Senator LANE. But the Indians object to it.

Commissioner SELLS. There may be some who do.

Senator LANE. I think it is pretty general. I am told they object to it not only for that reason but for another reason, and that is that the side of the fence which they occupy in the summer is the desert land—

Commissioner SELLS. The best pasture in that reservation is north of the fence, right down there [indicating].

Senator LANE. That is disputed—

Commissioner SELLS. The commission that went there and other men of large experience so report to me.

Senator LANE (continuing). By some stockmen.

Commissioner SELLS. I have not heard it. That may be true. I am not immune to mistakes, you know.

Senator LANE. I am just telling you what is the record here.

Representative BURKE. Mr. Sells, you have probably considered and can answer offhand, I presume, under what authority you are proceeding in putting upon that reservation a herd of cattle to be known as the tribal herd.

Commissioner SELLS. The statute which you have before you.

Representative BURKE. I have the act of May 27, 1902.

Commissioner SELLS. If you will turn to volume 33, part 1, Public Laws, page 357, you will find that portion of the treaty.

Senator LANE. While you are looking that up let me finish this, please. Now, in confirmation of the statement of the Indians and some others that that land is dry land and not the best grazing land, there is an estimate here—I do not know whether it applies to this or not—for the building of reservoirs to provide an adequate water supply for the live stock.

Commissioner SELLS. That may be entirely possible in that country almost anywhere.

Senator LANE. Then, if it is necessary to build reservoirs to hold water for the cattle, it would look as if it were not a well-watered country, would it not?

Commissioner SELLS. That might be true, and yet if you will turn to the report of the commission that made the investigation and report, you will find that the line is where they recommended. We certainly acted in good faith and to the best of our judgment as we were then enlightened.

Senator LANE. Probably; but here is an estimate for \$20,000 for that purpose—\$20,806.24. If it is going to me dry, you had better be getting busy.

Commissioner SELLS. You are recalling to my mind a condition with which I am not at this moment familiar.

Senator LANE. There is another thing I want to ask you about. There was a complaint made by the Indians—and I think it has been forwarded to you—that that fence which was built with Indian money has been arbitrarily placed contrary to their wishes. They have protested against it a good deal, and the money was appropriated by Congress to build a fence for no such purpose but to surround the reservation for the purpose of excluding cattle of outsiders.

Commissioner SELLS. If you will turn to the page to which I have referred, you will find the portion of the treaty which is a denial of the idea you have in mind.

Senator LANE. And it was to provide for a fence across the reservation, was it?

Commissioner SELLS. No, sir; not necessarily; but for "fencing the reservation."

Senator LANE. Fencing the reservation?

Commissioner SELLS. Yes, sir.

Senator LANE. Fencing the boundaries of it?

Commissioner SELLS. It makes an appropriation of \$40,000 for fencing the reservation.

Senator LANE. And that was to inclose the reservation?

Commissioner SELLS. I beg your pardon; that is a construction. The other construction is just as tenable as the construction you suggest.

Senator LANE. I wonder if that is entirely true.

Commissioner SELLS. I think so.

Senator LANE. Either one?

Commissioner SELLS. That might be a matter of difference of opinion.

Senator LANE. It would be. But in all similar cases of appropriations that I can get track of the money has been expended with the understanding that it was to surround the reservation with a fence.

Commissioner SELLS. I do not know just why that question should be raised. It has been done in good faith. It has been done for the betterment of the Indians and, we hope, profitably so.

Senator LANE. And the Indians have protested—

Commissioner SELLS. Oh; some of them may.

Senator LANE. Quite a number.

Commissioner SELLS. Well, not numerously. You know it is pretty hard to have a condition in which there is not some difference of opinion. But in the general disposition of this, as other matters, I think you will bear me out that we are trying to do pretty nearly the right thing.

Senator LANE. I do not know anything about that—

Commissioner SELLS. I did not mean to suggest that I thought you would be critical at all.

Senator LANE. I am trying to be fair.

Commissioner SELLS. I am sure that you do want to be fair, and I trust you realize that in the administration of these very burdensome and sometimes unnecessarily contentious conditions, in which there are legitimate differences of opinion, that need solving there may be some legitimate mistakes; but I think the general solution of this particular problem has all the earmarks of good business administration.

Senator LANE. The Indians in the past and up until now have been in the most distressed condition—they were hungry less than 90 days ago—and the business administration of the affairs of those Indians does not reflect credit upon anybody. It has been a reflection upon Congress and everybody else that has been connected with it. The condition has been pitiable.

Commissioner SELLS. Nobody's heart aches more than mine when I discover those things.

Senator LANE. That is what I am interested in, and I am going to continue to take a lively interest in it until it is changed.

Commissioner SELLS. That is commendable. Now, let me say something which comes to me and which I think you would be glad to hear me state. I have realized since I took the oath of office as Commissioner of Indian Affairs that one of the great problems confronting the Indian Bureau and all who are interested in the solution of its many troubles is involved in the conditions you mention on the Crow Reservation; and I believe that if I can measurably solve the Crow problem I will have made an object lesson to every other reservation in the 24 States where they exist that will indicate decided progress.

I realize that on the Crow Reservation there have been many, many indefensible things, and I commend you most highly for calling them out, and I think you have been patriotic in attempting to solve them, and I praise you for it. For years there have been things there that I would not want to put my stamp of approval on.

I have felt that the first thing to do in handling masterfully the Crow situation was to put a masterful man in charge of the immediate condition there. I have not been satisfied with the capacity of the management heretofore. I believe we now have a superintendent there who is the pick of the superintendents of all the reservations of this country. He was selected with that in view, after weeks of thought and serious consideration. I believe we have the man who is masterful, who has had experience in all of the various ramifications that go to make a successful superintendent of a great Indian reservation—and this is truly a great one. The conditions as I have observed them there—although I have not been able to make a personal visitation, as I hope to do before a great while—have involved not only the business side which you suggest but in a magnified form the human side. They have not got the results from their irrigation that they should. They have not got the results from their agriculture that they should; that has been but little better. Their stock conditions have been almost if not quite a failure. There have been men thereabouts who have profited largely—I am not prepared to say at this moment whether honestly or otherwise—by the conditions of which they have taken advantage.

While these material conditions have been thus unsatisfactory, the human side has been even more so. The Crow conditions today present to the new superintendent and to the Indian Office a problem almost, if not quite, insurmountable. But, my word for it, with the new superintendent there, with the new officers below him as they are being appointed—and we have only recently sent one new farmer there and expect to send another one there and more new blood there—when it is reorganized, as it will be, and when new industrial conditions are started, as they are about to be started, so that the

irrigation conditions will be taken advantage of, I hope that in place of living in villages the Indians will live on their farms and be induced to build better homes. And I consider that, having secured a strong superintendent—probably the most important consideration—the industrial conditions will follow. Because you must first give a man an inspiration. He must have some hope before he will resort to the thing that makes him a self-supporting citizen. And with the combination of conditions developing there now, in which I hope to have the support of every person who is interested in the Crows—and I believe I will have—we will be able to solve all these things, and, I believe, solve them so well, so effectively, that we will provide an object lesson for every other reservation in the United States, and that, having redeemed Crow, others will be comparatively easy.

Senator LANE. I do not think you are going to do it with your permit if it follows at all the lines of the sample copy we have here.

Now, I want to call your attention here, if I may, to the matter that was discussed before the Indian Committee of the Senate, that the expense of maintenance for all the water supply of the whites is charged up to the Indians. The Indian funds pay for that, and the white man does not pay a quarter of a cent for keeping up the ditches that supply his land. There is a condition that is complained of and that will have to be changed.

It is absolutely criminal; nothing short of it. Here is the money of the Indians taken for the use of their grazing land, and they are deprived—these are hard, cold facts—of the use of their allotted lands. They are not allowed even to fence some of them, because it keeps some of these large lessees away from the creeks. And they get not one penny of their money. It is put out in keeping up irrigating ditches for a bunch of white settlers who use up their water supply.

Senator TOWNSEND. Do I understand that on those leases there are white settlers?

Senator LANE. Not on the leased land, but on some of the allotted lands along the irrigation system which they have in there, for which a great deal of Crow money has been spent. The Crow money is spent to keep up those ditches for the use of the white men, and all expenses are paid by the Crow Indians. At the same time the Crow Indians are living on potatoes and flour mixed together, and eating the dead cattle off the plains.

Commissioner SELLS. You are speaking of the exceptions.

Senator LANE. I am speaking of the exact facts which have been certified to and sworn to before this commission and the Appropriations Committee.

Commissioner SELLS. The conditions to which you refer about irrigation are being investigated. We have a man there now who will get the facts before us.

Senator LANE. The facts have been known and complained of for years. You are putting cattle onto that land, and you are going to have those Indians dependent upon cattle for their living hereafter. Are you making provisions for putting up hay to keep those cattle through the winter?

Commissioner SELLS. The strongest instructions that have been sent to the new superintendent were that from the time he reached the reservation he should say to the Indians, "We want you to com-

mence getting ready to put up hay, and then put up more hay, and then put up more hay, and see that you have plenty of hay to take the cattle through the winter.'

Senator LANE. I have not a great deal of confidence in your cattle scheme, for the reason that the Indians are not cattlemen. With horses they are all right. When you get into zero weather, in a blizzard, the Indian is not going to go very far to carry hay to cattle.

Commissioner SELLS. I am sorry to hear you say that. I hear so many people say the Indians are not farmers. You say they are not cattlemen. If they are not farmers and if they are not good stockmen, it makes the problem harder.

Senator LANE. When you give them no tools to farm with, they will not farm very well, and if you run cattle on their ranges without making provision for hay they are going to lose their stock. But horses will take care of themselves when cattle will not. And the Indian is naturally a good horseman. The horses like the Indians. And you know, too, if you have been in a cattle country, that in a blizzard you have to haul hay to the cattle and feed them and round them up and get that hay to them, whereas you can drive a horse—

Commissioner SELLS. One of the most successful cattle reservations in America is within 40 miles of the Crows. A trainload of white-faced steers that topped the Chicago market last spring came from within 40 miles of the Crows.

Senator LANE. From what place?

Commissioner SELLS. The Tongue River Reservation.

Senator LANE. What tribe is that?

Commissioner SELLS. The Northern Cheyennes.

Senator LANE. That is the one that Mr. Eddy is in charge of?

Commissioner SELLS. Yes. There are cattle there, and horses too.

Now, there is lots of truth in your suggestion that if you try to have the Indians farm without tools, without plows, without horses, without cattle, and without a house, they can not farm, and I am determined that shall be remedied. I have said before that to build a great irrigation plant and make it a lien on the property of the Indians, and then give the other fellow a long time in which to make his payments, and in the meantime give the Indian his allotment and tell him he must put it under water within a limited period and give him no money with which to build a house or buy a plow or a cow or a team or wagon, is a travesty.

Senator LANE. That is what we said to-day in the Senate, and we had a row over it.

Mrs. GREY. You do not give him his land on Crow.

Commissioner SELLS. We ought to do that first. There can be no argument with me on those things.

Senator LANE. Complaint came to me a day or two ago—there was a gentleman here who was a sublessee on one of those leased tracts who had been subleasing, I think, from Mr. Heinrich, and his name was Booz. Mr. Booz gave evidence here a while back in relation to conditions in the reserve. He informs me now, or I got information from him, to the effect that since coming down here he has found himself in a rather bad situation on the Crow Reservation. He has had to sell his cattle and get off the reservation at a loss of about \$25,000, for the reason that he has been refused the right to drive his cattle across the reservation on a trail from one

range to another; and at the same time these other lessees or permittees are allowed the use of thousands of acres of allotted lands unlawfully. He considers that he is being discriminated against.

Commissioner SELLS. That is a complaint, I understand, of long standing.

Senator LANE. He is off now. I understand.

Mrs. GREY. The trouble was that Mr. Heinrich took his range away from him. He went home from here, and they told him to get off.

Commissioner SELLS. It is a matter concerning which Mrs. Grey and Mr. Booz came to the office, and I made an arrangement for you to make the presentation to Mr. Meritt, I think.

Mrs. GREY. Yes; and Mr. Linnen. And Mr. Linnen made a memorandum for you.

Commissioner SELLS. The matter was brought to my attention, and I said to Mr. Meritt and also to Mr. Linnen that, from the statement you had made to me personally and as I had learned of it, it seemed to me to have some merit.

Mrs. GREY. Don't you remember the affidavit Mr. Linnen gave you that day?

Commissioner SELLS. I remember something about it; yes. In response to that I said to them, "I want this matter promptly, aggressively, and thoroughly investigated." I have been away for a great part of the time since.

Mrs. GREY. Mr. Booz has been squeezed out by Mr. Heinrich, and he has been compelled to sell his cattle, and he is the third on the Crow Reservation in the last six months who has been squeezed out.

Commissioner SELLS. Who is the other?

Mrs. GREY. Mr. McDaniels and Lee Simonson.

Commissioner SELLS. Those are old lessees you refer to, I presume, who have failed and are out of business.

Mrs. GREY. Lee Simonson was the one who made the bid that would have amounted to \$43,200.

Commissioner SELLS. For which we got \$45,000.

Mrs. GREY. \$45,000 for a year and a half.

Commissioner SELLS. He made the old lease for two years, and for one year and nine months we got \$45,000.

Mrs. GREY. The six months' payment was \$11,000.

Commissioner SELLS. His was not a bid sufficient to be considered. He failed.

Mrs. GREY. He did not fail until several months afterwards. When he made the bid he was perfectly solvent. He bid 45 cents a head for the sheep, and the estimate was 96,000, and the acreage would have made 80,000 sheep, and it would have made \$43,200 a year, which would be very much more—

Commissioner SELLS. Mrs. Grey, you are not acquainted with the facts.

Mrs. GREY. I have the records right before me, Mr. Commissioner.

Commissioner SELLS. The prices finally accepted on the lease holdings are far in excess of any that has ever been made on lease No. 3.

Mrs. GREY. Perhaps I am mistaken, as you say, but I have taken my figures out of the files of the Indian Bureau.

Commissioner SELLS. I have the figures made for me by people in the office who know figures and who know those facts, and in whom

I have confidence. You may be right, but the probabilities are that you are wrong.

Mrs. GREY. Mr. Commissioner, I have not taken a thing but what is in the files that came from the Indian Office.

Commissioner SELLS. You do not mean to say that \$45,000 is not the highest bid ever offered?

Mrs. GREY. No; I think Mr. Simonson's bid was materially higher.

Commissioner SELLS. It was materially less, as I am advised. You know we are all liable to be mistaken, as you were about the hide of the cow—

Mrs. GREY. The hide of the cow is there [indicating a hide on the floor of the committee room].

Commissioner SELLS. You say it is not branded?

Mrs. GREY. I never said so. I say it is branded by the lessee.

Commissioner SELLS. Then I misunderstood you. That is the impression I got from your statement over the telephone.

Mrs. GREY. It carries two brands, and three men admit—

Commissioner SELLS. It is not a question of "admit."

Mrs. GREY. It is just the subject covered by Dr. Tracy in his report July 9, 1913; he said, "I did not go into the matter of * * * calf branding by the permittees * * * and did not believe it was expected. There are a few lines of doggerel that fit the case—

"There was a young lady of Niger
 "Who smiled as she rode on a tiger,
 "They came back from the ride
 "With the lady inside
 "And the smile on the face of the tiger."

It is admitted on the reservation—

Commissioner SELLS. It is not a question of "admit"; it is just a question of fact. I thought you told me over the telephone to-day you found it was not as you thought it was.

Mrs. GREY. No, sir.

Commissioner SELLS. I very much misunderstood you, then.

Mrs. GREY. We have the hide here if we ever come to it.

Senator LANE. What is the matter with the hide?

Mrs. GREY. It has Heinrich's brand and the Indian's brand on it.

Senator LANE. What of that?

Mrs. GREY. They are there.

Senator LANE. Does it prove the Indian took Heinrich's cattle?

Mrs. GREY. No; it does not; the reverse.

Senator LANE. Is there anyone here who can tell us about those brands?

Mr. KEATING. I think Robert Hamilton can.

Senator LANE. Mr. Hamilton, do you know anything about those brands?

(The hide in question was displayed on the floor of the committee room for examination.)

Mr. ROBERT HAMILTON (examining the hide). This brand [indicating] is put on with a fixed iron when the animal was a calf. That brand [indicating] was put on with the running iron when the animal was grown up.

Senator LANE. Whose brand is that?

Mr. HAMILTON. I do not know anything about the brands. That brand is a running brand when the animal is grown up.

Mr. KEATING. That is, the rib brand is said to be Heinrich's brand. The brand on the right hip is supposed to be Pease's.

Mrs. GREY. There is something more pertinent than the skin about this matter of branding.

Commissioner SELLS. You do not want to go into that.

Senator TOWNSEND. Let us finish up this subject of the leases.

Mrs. GREY. I have been talking about that for the last seven years; that the reason the Indians have no cattle is because the lessees steal them.

Senator LANE. She is making the charge, and she says, too—she has made it frequently to me—that the lessees have taken the Indians' cattle and she offers this hide in evidence as proof of her assertion. That is what she is driving at now.

Commissioner SELLS. I presumed it was something like that, but I know nothing more about this particular matter.

Mrs. GREY. I want to say something else in connection with the branding of the calves.

Commissioner SELLS. Senator, I really do not care to stay here tonight to go into a matter that will be prolonged.

Senator LANE. We will take that up again.

Senator TOWNSEND. Let us finish the leases. You said somebody had made a better offer for that portion of the reservation than the party to whom the lease is made?

Mrs. GREY. I think the interruption came about by Mr. Sells informing me that I was generally wrong. I am not generally wrong; I am said to be wrong because I am never permitted to show my side of the case.

Senator LANE. We will take it up later, and the hide is here in evidence.

Mr. DALBY. May I ask that when this hide matter is taken up I may have an opportunity to examine, on Mr. Heinrich's behalf, the witnesses who testify, and take it up regularly?

Senator LANE. Oh, yes; all right.

There is something on that lease No. 3—I understood Mr. Meritt to say the other night something to the effect that those permits had been perfected. Did you or did you not, Mr. Burke?

Representative BURKE. No; I do not think Mr. Meritt stated that any permit had been finally approved. They were all in process of consideration.

Senator LANE. I understood him to say they had been approved.

Representative BURKE. That is my recollection. I am not stating that positively.

Senator LANE. It was on that understanding I was going to go into it.

Mrs. GREY. Now, I have a letter here. This letter is written by Lee Simonsen to the honorable Commissioner of Indian Affairs—

Commissioner SELLS. I might say in that connection—I do not recall whether it was Simonsen's bid or not, but there was one of those bids so uncertain that it could not be considered in a way that would amount to a bid.

Mrs. GREY. That is exactly the point I wish to make. He bid 45 cents a head for sheep, and was willing to accept the number estimated by the Indian Office which would be proper. Mr. Simonsen is

a perfectly responsible man—he was at that time; of course, now he is bankrupt, but at that time—

Commissioner SELLS. Are you testifying, Mrs. Grey?

Mrs. GREY. I am.

Commissioner SELLS. Shouldn't you be sworn?

Mrs. GREY. I have been.

(Mrs. Grey was duly sworn as a witness by Senator Lane.)

Mrs. GREY. I wish to say I am willing to take the consequences if I perjure myself.

Commissioner SELLS. That is not the point, you know, but if it is going into the record—

Mrs. GREY. It does not amount to a thing, because people come here and make absolutely false statements, and it does not amount to more than a breath.

This is a letter written October 22, 1913, to the honorable Commissioner of Indian Affairs, found in Crow files 66990-1912, Crow 312.

Senator LANE. What is the date of it?

Mrs. GREY. October 22, 1913. I was on the Crow Reservation at the time this letter was written [reading]:

[The Big Horn Sheep Co. (Inc.). Capital. \$75,000.]

CROW AGENCY, MONT., *October 22, 1913.*

HONORABLE COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: In connection with my proposal for grazing privileges on district No. 3, Crow Reservation, Mont., for two years from February 1, 1914, submitted to Supt. W. W. Scott and opened at the Crow Agency office October 20, in accordance with advertisement of September 12, 1913, I wish to state that I am willing to agree to a minimum number of 50,000 head of sheep to be grazed on district 3, which will make the amount of my bid \$22,500 per annum. I am now informed that the present lease on this district carried a provision limiting this district to the number of sheep stated above.

Your attention is respectfully called to the fact that my check accompanying the bid was for \$2,000 only, for the reason that I did not understand at that time that your office had already determined the number of sheep this range would carry. However, I will be glad to remit the balance of this deposit at any time it may be called for by your office. My bid at 45 cents per head per annum being the highest proposal submitted, I believe the department will not consider an oversight as to the amount of deposit sufficient reason for the rejection of my offer.

Respectfully submitted.

LEE SIMONSEN.

Now, as this map of the reservation [indicating a blue-print map] will show, it is estimated at 400,000 acres. You see it does not go into the ceded portion at all.

Commissioner SELLS. As a matter of fact, there is a little over 300,000 acres.

Mrs. GREY. It has always been carried at 400,000.

Commissioner SELLS. For which we may some time have to come to an accounting.

Mrs. GREY. I started to estimate this, and I think that instead of being less than 400,000 you will find it is nearer 500,000.

Commissioner SELLS. Our latest information is contrary to that. I hope you are right about it.

Mrs. GREY. If you will take a map that goes like that, with the sections on it, you will find that there is considerably more. Also

if you take the number of acres accounted for in the leases you will find you are very much short in the total acreage of the reservation.

Commissioner SELLS. You may be right, but our information is to the contrary.

Mrs. GREY. As I have said before, you have a great deal of misinformation given to you, but I am sorry to know it.

Commissioner SELLS. It is entirely possible I am not alone in that. Let us go back to the statement you made a while ago concerning the bid. I think, as I recall your reading it, the bid was \$22,500 per annum, and that he excused the fact that he had not made sufficient deposit.

Mrs. GREY. He offered to make the increase.

Commissioner SELLS. In the first place, of course you will understand that deposits must be made at a certain time, or the bids, under the regulations, are not to be considered. But, even waiving that—

Mrs. GREY. He did make a bid.

Commissioner SELLS. But, waiving the deposit feature, \$22,500 for a year would be just \$1,500 a year less than the bid that has been accepted.

Mrs. GREY. But the \$45,000 is not for one year.

Commissioner SELLS. One year and nine months, and this is for two years. And that bid was rejected, Mrs. Grey, at a time when I felt the bids were not sufficient, and I was straining every nerve in my body to increase them.

Mrs. GREY. I think, Mr. Commissioner, when you come to find out you will find that he bid considerably more.

Commissioner SELLS. Regardless of that, it may be answered and we will save further time in this connection if it should go into the record that, that being the first bid, I felt it was not what it ought to be, and I was apprehensive that there was some understanding between bidders, and I rejected all the bids and readvertised to try to get more. I did not get it, and had to reject them again and then proceeded after that and did finally get more than was ever bid.

Mrs. GREY. That we will take up at another time, and we will take the exact figures—

Commissioner SELLS. I do not see any occasion to take it up now or hereafter.

Mrs. GREY. I may probably be mistaken, but my figures are taken from the actual files here. Now, in the proposal for the bids there is nothing stated as to the amount of the check that shall be put up—

Commissioner SELLS. Mrs. Grey—Senator, I do not quite like this sort of bickering. Mrs. Grey probably means this in good faith and all right—

Mrs. GREY. I think I do.

Commissioner SELLS (continuing). And I do not want to criticize her for it, but I have said repeatedly that the bids of which that was a part were all rejected.

Mrs. GREY. And I say, improperly rejected. It was utterly wrong, and you would have thought so yourself if you were an Indian or Mr. Simonson. It is a fact that any man that attempts to go against H. C. Bostwick—man, woman, or child, Indian or white man—has his life made absolutely miserable for him, and with the protection of the Indian Bureau behind Mr. Bostwick.

Commissioner SELLS. Mrs. Grey, you are talking of something of which you know nothing, and which I deny, and which I repudiate, and which I do not want you to repeat.

Mrs. GREY. And of which you do not want me to submit the proof.

Senator LANE. Ladies and gentlemen, let us see if we can not get along peaceably. You are both sincere, I know, and must have credit for that.

Commissioner SELLS. I do not care to have you reflect upon the conduct of the office in the administration of its duties, when they are so earnestly, so seriously, and so determinedly being performed in matters about which you are now speaking.

Mrs. GREY. I have taken the statements I have made right out of your own records.

Commissioner SELLS. I did not come here to bicker with you, and I am not going to do so.

Senator LANE. Oh, yes——

Commissioner SELLS. Those first bids were rejected because I felt they were not sufficient. I had hoped to raise them. I rejected them. I readvertised, and they came back even less. to my great humiliation, and then I proceeded, as I have said in my earlier statements, dickering and dickering and using every effort of which I was capable. from my long business experience—and, perhaps, I may say somewhat successful business experience—in acquiring the bid we have and trying to work it out, and I hardly think it is tenable here to go into a question of that sort.

Representative BURKE. Whose bid was that of \$45,000?

Commissioner SELLS. The one that is now being negotiated?

Representative BURKE. Yes.

Commissioner SELLS. McGee & Zimmerman; \$45,000 for nine months.

Senator LANE. In the meantime has the land been leased or used by anybody?

Commissioner SELLS. They are paying for it. They have made an \$11,000 payment on it.

Senator LANE. And they are using the land before the permit is issued?

Commissioner SELLS. I am doing everything I can to make it stick. I prefer not to discuss that, because I am trying to make it stick.

Senator LANE. Now, there is nothing further that I know of to-night, and we will call another meeting.

Commissioner SELLS. Is there any occasion for anything further?

Mrs. GREY. You realize we were going to take up a wholly different matter to-night.

Senator LANE. What was that?

Mrs. GREY. You remember we said we would leave the Heinrich leases and go on, because I did not care to say they were all bad leases. The other leases were just as bad.

Senator LANE. You want to leave No. 3?

Mrs. GREY. No. 4.

Commissioner SELLS. That lease has been in existence two years now, and it does not expire for two years or more.

Mrs. GREY. Has there not been recently a change in that by which Heinrich is running his cattle on that?

Commissioner SELLS. I do not know as to that.

Mrs. GREY. McDaniels failed and went out of business?

Commissioner SELLS. I think he did. I do not know what has become of him myself.

Mrs. GREY. I think you will find that Mr. Heinrich has the lease.

Senator LANE. Do you know whether he has or not?

Mr. DALBY. I will state that Mr. McDaniels failed, and his sureties have sold a part of his holdings to Mr. Heinrich.

Mrs. GREY. I think you will find there is not a single lease on the Crow Reservation at the present time that Mr. H. C. Bostwick is not back of.

Commissioner SELLS. I do not know Mr. Bostwick in any lease.

Mrs. GREY. Zimmerman is there.

Senator LANE. I will say for your information that Mrs. Grey contends that almost the entire Crow lands are under the control of one set of individuals, and that they are pretty closely associated, and that the money is paid through and the affairs are handled through a certain banking house which is in direct connection with the large cattle and packing interests in Chicago and Omaha.

Commissioner SELLS. That may be possible.

Senator LANE. And when these little fellows come in, like Mr. Booz and those other men who failed, and they interfere in their plans, it is Mrs. Grey's theory they get squeezed out.

Mrs. GREY. And the Indian gets it just the same. I have an awful case that has come in to-day. This new agent, he is working right with the rest.

Commissioner SELLS. You do not think he is a good man?

Mrs. GREY. I do not.

Commissioner SELLS. Who ever was on the Crow Reservation that you thought was a good man?

Mrs. GREY. I have never seen one yet. There is a rotten ring there.

Representative BURKE. You will be forgetting yourselves if you are not careful.

Mrs. GREY. Mr. Reynolds went out—he is now on the reservation—a very rich man. He is handling cattle with Mr. Heinrich. I think it was my agitation here that put him out of office. I think the commission will admit the hearings here put Mr. Scott out—

Commissioner SELLS. The hearings have had nothing to do with Mr. Scott being put out. I have for some time thought that Mr. Scott was not the man to handle that reservation.

Before I go any further I want to say that all these former leases about which you may complain—there may be much of merit in what she says and I am not controverting it.

Mrs. GREY. It is going on to-day.

Commissioner SELLS. I know it is not.

Mrs. GREY. I have a matter right here to put to you. It is the action of this Mr. Estep within the past week. There has never been anything so mean done on the Crow Reservation as done in the last week by Mr. Estep.

Senator LANE. What is it, Mrs. Grey? It must be something startling.

Mrs. GREY. It is. I think it is one of the worst cases I ever heard of. It is the matter of that little Frances Doyle—we have the case

here. It has been a case of persecution for years back, because her father would not submit to let Spear Bros. have his family lands for nothing. He has protested continually not to let them have his lands. They have him in jail now for killing a cow. Your inspector goes out there and says it is an admitted fact that the lessees brand the Indians' cattle and they can not get any relief against that. Let an Indian do it and he goes to the penitentiary.

Moreover, Mrs. Doyle, after her husband was in the penitentiary, sold her allotment, which was the home of her family, because they had been driven so they had been borrowing money at 12 per cent a month from this man Hunter. She sold it for \$8,000 and had only \$1,000 left, and she took her family, her children, and her little newborn baby and went onto her allotment, and the Spear Bros. people put salt around her tent in order to call the cattle there, and she has had to live there and fight them off. She sent for her brother to come over there to try to put up a fence, and she had a little 16-year old girl—a very beautiful child. She sent her over to the agency, and the next thing this man Jenkins, who I can show from his accounts—it will show the reason why that fence cost so much—

Senator LANE. Who is Jenkins?

Mrs. GREY. The man in charge of building the fence. His accounts were crooked. He carried a Mrs. Burbank as a laborer on the fence rolls and paid her checks as a laborer. If you would look through them you would find a lot of things of just the same kind.

He made the charge—and he kept the girl in the school and took the girl away from her mother and won't let her go home, because he said there were improper relations between the child and her uncle, and there is no foundation on earth for it except to keep this man (her uncle) from fencing the land that Spear Bros. have got. They have ruined that child's reputation in every way and scattered it all over the reservation. The same stories have been told about Indian woman after Indian woman. They told them about me, because I dared to come here and say what was going on in spite of you. It is a common practice. That has been done by Mr. Estep. I have had several accounts of it. I have the accounts right here. It is done to protect Spear Bros. in using the allotments of this family.

Commissioner SELLS. I do not want to go into a matter with which I am wholly unfamiliar—

Mrs. GREY. But don't you think that is an awful thing if it is true?

Commissioner SELLS. There may be something wrong in that.

Mrs. GREY. If it was your daughter, wouldn't you think it was a terrible thing?

Commissioner SELLS. Why, if it was anything that reflected upon any woman that I could protect, I would do it.

Mrs. GREY. Here is the child—her father has been locked up for doing infinitely less than that rich man did.

Commissioner SELLS. I do not want to give credence to any reflection upon Mr. Estep, who has spent a life of usefulness. I will get other information.

Mrs. GREY. Not on his life of usefulness.

Commissioner SELLS. You are the first person I have ever heard make even an insinuation against that splendid man.

Senator LANE. I want to find out what became of Mr. Scott.

Commissioner SELLS. Mr. Scott was transferred and demoted to a comparatively small salary, and is now superintendent at Cheyenne and Arapahoe, Okla.

Mrs. GREY. If his accounts were crooked, why was he not put out?

Senator LANE. If he made a failure and did such bad work on the other reservations, why should he be put in charge of other Indians? The Indians are complaining of just such things.

Commissioner SELLS. Senator Lane, I wish I could change jobs with you for a few days. Mr. Scott was not the man for that great undertaking; but I think, generally speaking, he would be regarded as a man who would make a good superintendent where he is now. We have to fit men to the places they occupy. There has been no charge of corruption.

Mrs. GREY. I charge he has altered official records.

Commissioner SELLS. Your charges have been put into proper hands with instructions to investigate them.

Mrs. GREY. They never did investigate them.

Commissioner SELLS. You do not charge Mr. Linnen, when I tell him to do a thing, with not doing it?

Mrs. GREY. Well, I don't know.

Commissioner SELLS. Please acknowledge that somebody has something good in them.

Representative BURKE. You are forgetting yourselves again.

Mrs. GREY. I don't think I have found anybody in connection with the Crow Reservation investigations, which have been going on for eight years, that has any good in them.

Commissioner SELLS. There is one thing I am being constantly convinced of. You know, Senator, when you adopt a child you find that the whole neighborhood is quite given to suggesting how you shall manage the child. They concede to you the management of your own children very readily. The Commissioner of Indian Affairs is a good deal in the position of the man with the adopted child. He has a great deal to contend with.

Senator LANE. He has hold of a pretty live question.

(Thereupon, at 10.45 o'clock p. m., the joint commission adjourned.)

TUESDAY, JULY 14, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS, *Washington, D. C.*

The joint commission being in session proceeded to the consideration of conditions on the Crow Reservation, Mont.

TESTIMONY OF MRS. HELEN PIERCE GREY—Resumed.

Mrs. GREY. At the last hearing there was some controversy about the permits and the conditions on what is known as district No. 3 and district No. 5. I shall not make any comments on the last hearing, but what I have to say I shall read from the records of the In-

dian Office. I shall begin by reading the first letter of William Rea, jr., who was the last permittee on district No. 3:

BILLINGS, MONT., *January 9, 1913.*

F. H. ABBOTT, Esq.,

Acting Commissioner of Indian Affairs, Washington, D. C.

DEAR SIR: I am the lessee of district No. 3 on the Crow Indian Reservation, in Montana. My term expires in one year from February 1, 1913. Last June the lessees on the balance of the reservation had their terms extended for three years beginning February 1, 1913.

I ask you to kindly extend my lease so that it will expire with the others. If you will do this for me, it will help me out in my plans. If you can not extend the time, we will have to plan on cleaving up all our sheep by next fall.

I will make a trip to Washington and talk the matter over fully with you if you think best.

Thanking you, I am,

Yours, very truly,

WM. REA, JR.

The Indian Office refused to extend this permit without advertising for other bids. The agent—Scott—in a letter dated January 28, 1913, wrote to the Commissioner of Indian Affairs, in which letter he thus describes this district:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., January 28, 1913.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Receipt is acknowledged of copy of office letter to William Rea, jr., of Billings, Mont., with reference to his request that his permit on range No. 3, this reservation, be extended two years from date as at present, February 1, 1914. You direct report and recommendation.

District No. 3 contains approximately 400,000 acres, for which Mr. Rea is paying \$17,000, or 4¼ cents per acre, annually.

The Indian Office, on the 13th of September, prepared the following proposals for leasing this district. I shall not read the entire proposal, but they were to be opened at Crow Indian Reservation School, Mont., by 2 o'clock p. m. on Monday, October 20, 1913. The district is described in this way:

The estimated acreage of district No. 3, as shown by map on file in the Indian Office at Washington, D. C., and duplicate thereof on file at Crow Agency, is 400,000 acres. All necessary information may be obtained on application to the superintendent of the Crow Indian School, Mont. The successful bidders will be required to pay six months' rental in advance and to furnish acceptable bond to guarantee payment of the remainder in subsequent semiannual installments in a sum equal to one year's rental.

Another condition of the proposals:

Each proposal must be accompanied by a certified check or draft upon some United States depository or solvent national bank, payable to the superintendent of the Crow Indian School—

I wish you to notice that this is not to the commissioner, but to the superintendent of the Crow Indian School; and the superintendent therefore actually makes the lease so far as the executive part goes. Of course, it must be approved by the commissioner first [continuing reading]—

for at least 10 per cent of the amount of the rental for one year. The check or draft of a successful bidder will be forfeited to the United States for the use and benefit of the Indians on the Crow Reservation in case such bidder shall fail to enter into the prescribed permit within 30 days after the award. The amounts deposited by unsuccessful bidders will be returned.

On this proposal there were three bids received. The first is by Lee Simonsen:

[The Big Horn Sheep Co. (Inc.). Capital, \$75,000.]

CROW AGENCY, MONT., *October 20, 1913.*

Maj. W. W. SCOTT,
Superintendent, Crow Agency, Mont.

DEAR SIR: In accordance with your advertisement for bids for grazing privileges on district No. 3, Crow Reservation, I herewith respectfully submit the following:

I hereby agree to pay 45 cents per head for sheep and \$2.55 per head for cattle for such number of said stock as can be grazed on said district No. 3 for a term of two years from February 1, 1914.

Inclosed herewith please find check for \$2,000 as a guaranty of good faith.

The amount of this bid is to be determined by the average number of stock grazed on this lease per annum.

Yours, respectfully,

LEE SIMONSEN.

Now, this bid is much higher than any of the bids that were in existence on Crow Reservation or any that are now in existence there. The highest previous bid, I believe, for cattle was \$2.25. This bid is \$2.55. He makes this bid per head, and is willing to run as many sheep as the Indian Office estimates the range will carry. Now, there are 400,000 acres involved in the proposal—it is estimated at 400,000 acres. Twenty acres is required to a cow, according to the Indian Bureau estimate, and 5 sheep to 1 cow, which would make 4 acres to a sheep. Consequently this district would run 100,000 sheep, according to the Indian Bureau estimate; so that would make \$45,000 a year just for the sheep, which is very much higher than the other.

Senator LANE. Has range No. 3 been let yet to anyone?

Mrs. GREY. Yes; it has been let. There is somebody on it, and payment has been made, though Commissioner Sells says it has not been let.

Senator LANE. I understand they may have recalled that.

Mrs. GREY. They can not, because the sheep are on that range.

Senator LANE. They can make a new lease, or alter the terms of it, and I think that is about what has been done.

Mrs. GREY. Well, there is nothing here to show it.

Senator LANE. Perhaps not here; it may have come in in the last few days. If that is true, this would be no proof of present conditions, don't you see, Mrs. Grey? They may have learned that they would receive a better bid or something of that sort.

Mrs. GREY. Well, the Indian Office was asked—

Senator LANE. Was that No. 3?

Mrs. GREY. Yes, sir; No. 3. They said it had not been let.

Senator LANE. Who said that?

Mrs. GREY. Commissioner Sells. Mr. Meritt said it had been let.

The commission—you yourself—wrote to Commissioner Sells and asked him for the record showing everything in connection with this bid. After the last hearing, which was two weeks ago, Commissioner Sells asked for his file that I am now using, and it was sent to the Indian Office with all my notes in it, and if there were anything new or any later papers connected with it it would have been proper for them to put it into this file and call it to the attention of this commission that there was some change. As long as he has not done so, I should infer that there was no change.

Senator LANE. Commissioner Sells telephoned me to-night that there was something about these permits that he wished to take up with me at the first opportunity. I do not know which one it is, but there must have been some other negotiations.

Mrs. GREY. Why doesn't he just come before the commission?

Senator LANE. He said he had a prior engagement. I do not know whether it was this lease, or not.

Mrs. GREY. There are two. I should like to put into the record what I find about both of them.

Senator LANE. Very well.

Mrs. GREY. I am only taking up No. 3 to-night. The second bid was made by a Mr. Massey, and is written on the paper of the Bank of Commerce, of Sheridan, Wyo., dated October 18, 1913. This Mr. Massey is the nephew of H. C. Bostwick and is his representative in Sheridan. Mr. Bostwick, at the time this nephew was married, built him a very fine house in Sheridan, and he represents him in this bank. He is recognized out there as the representative of Mr. Bostwick. His bid is:

SHERIDAN, WYO., *October 18, 1913.*

SUPERINTENDENT CROW INDIAN SCHOOL,

Crow Agency, Mont.

DEAR SIR: I hereby bid the sum of \$21,500 per annum for the privilege of grazing cattle or sheep on range No. 3, Crow Indian Reservation, Mont.

Inclosed find draft No. 50750 on Stock Yards National Bank, South Omaha, Nebr., for 10 per cent of the above-mentioned amount, being the sum of \$2,150 to meet requirements of official proposal herewith attached, the terms of which I hereby agree to.

Very truly, yours,

C. R. MASSEY.

The other bidder on the reservation is William Rea, jr. I want to call your attention to the fact, Senator Lane, that in all of the other bids the figures are incorporated in the bid in typewriting the same as the rest of the letter. In the Rea Bros.' bid they are not so incorporated. The figures are given separately in pen and ink, and the rest is typewritten. I want to call your attention to this fact, because when Rea Bros. bid the year before it was believed they were not the highest bidders, and they were permitted to raise their bid, which charge is frequently made against bidders in the Indian Office: and this form of bid would show that this might have been done, in that the figures are all written in.

Senator LANE. Oh, I do not know, Mrs. Grey, that that proves anything. They might have made it out in typewriting, and left the blank to be filled in, leaving the sum blank until the minute they sealed the bids. I would do that myself.

Mrs. GREY. The bids are sealed, and they are not supposed to know—

Senator LANE. But just before they sealed it, they might have put the figures in.

Mrs. GREY. It may be; but at the time of the previous bid McComb Bros., who bid against them, were very vehement in saying that they altered their bids at the last minute.

Senator LANE. Before they sealed them?

Mrs. GREY. No. That they knew what his bid was, and they said the Indian Office let them fill their bid in so it would be just enough higher.

Senator LANE. A pretty harsh charge.

Mrs. GREY. Well, you can see there must have been a pretty considerable juggling with these permits.

Senator LANE. Go ahead.

Mrs. GREY. His bid is as follows:

BILLINGS, MONT., *October 20, 1913.*

Hon. W. W. SCOTT,

Superintendent Crow Indian School, Crow Agency, Mont.

SIR: I hereby propose to lease range No. 3 of the Crow Indian Reservation, Mont., for the purpose of grazing cattle or sheep under the permit system for the period of two years, beginning February 1, 1914, and agree to pay therefor a rental at the rate of \$20,000 per annum, according to the terms of the advertisement by the Commissioner of Indian Affairs.

Although the said advertisement does not put any limitation upon the number of sheep or cattle to be grazed on the said range, I hereby offer as a part of this bid to enter into a stipulation in the lease not only generally that I will not at any time overstock the said range, but also specially that I will not graze more than an average of 50,000 head of sheep or of cattle in the proportion of 1 mature steer or cow to 5 head of sheep during any one year.

In the event that any proposals be made you for said range at a higher rate than mine, submitted by parties not personally thoroughly familiar with said range, and who are under the mistaken impression that it will support a greater number of head of stock than is deemed best for the good of said range, I submit that if any proposals which may be made at a higher rate than mine be unaccompanied by a corresponding offer to stipulate as to the number of head of stock to be grazed, then my bid should be deemed the best bid, even if it should not be the highest bid, and it should be accepted. I respectfully request that I be permitted the opportunity to meet such higher bid for the reason that it is to my interest to meet such bid rather than suffer the disadvantage of having to remove my stock and equipment from said range within the short space of time now remaining of the present lease, necessarily causing me great expense and loss; and also for the further reason that I am in possession of three sections of land immediately adjacent to said range No. 3 and contiguous to the right of way of the Chicago, Burlington & Quincy Railway, on which are located stock yards, loading pens, and sheep-shearing plant, and in the event my bid was not accepted I should have no further use for this property and would be compelled to dispose of it at a great sacrifice.

Herewith I inclose certified check on the Yellowstone National Bank of Billings, Mont., for \$2,000, payable to your order, which is for at least 10 per cent of the amount of the rental for one year.

Respectfully,

WM. REA, JR.

You note he expects to be permitted to meet the highest bid.

Senator LANE. Well, that would be a provisional bid, you know.

Mrs. GREY. Well, the agent sent a résumé of the bids to the Indian Office in a letter dated October 21, 1913:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., October 21, 1913.

The COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: I have the honor to report that, in accordance with instructions issued from your office, proposals for grazing privilege on grazing district No. 3, this reservation, were opened in this office on the 20th instant, which proposals are transmitted herewith, together with abstract of same.

William Rea, jr., the present permittee, submits an offer to pay \$20,000 per annum, and to agree that he will not run more than an average of 50,000 sheep, and will not at any time overstock the range to its detriment. Mr. Rea contends that, other things being equal, he should be accorded the preference. I feel that there is some force in his contention.

Mr. C. R. Massey, vice president of the Bank of Commerce, Sheridan, Wyo., submits a flat proposal of \$21,500 per annum.

Mr. Lee Simonsen, of the Big Horn Sheep Co., offers 45 cents per head for sheep and \$2.55 for cattle, the total payment to be determined by the yearly average number of stock run. No minimum or maximum is mentioned, the proposal reading "Such number as can be grazed." Mr. Simonsen's accompanying check for \$2,000 implies a proposed payment of \$20,000 per annum. The range will carry 50,000 head of sheep. (Mr. Simonsen's check was not certified, as required, but is unquestionably good, and has been transmitted to the bank for deposit.)

All bidders are reliable and responsible men, and will unquestionably prove entirely satisfactory permittees.

It is respectfully suggested that the contract to be entered into with the successful bidder provide an average minimum number of stock to be grazed, equal to the capacity of the range, liberally estimated at 50,000 sheep, or their equivalent in cattle, and that payment should be made on a head basis. It should also stipulate that at no time shall the number placed on the range at one time exceed a certain percentage above the rated capacity. This to guard against damage to the range by overstocking. Subletting should be only upon written consent of this office, approved by the Commissioner of Indian Affairs. Sworn statements as to number of stock run to be furnished semiannually and report furnished this office of all shipments, either in or out.

It is respectfully requested that the matter be given prompt attention.

Very respectfully,

W. W. SCOTT, *Superintendent.*

Now, when this range was let the time before they wired Agent Scott asking him what the capacity of the range was. His reply was 96,000 head of sheep.

MAY 30, 1911.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Your telegram yesterday. District No. 3 will carry maximum 96,000 sheep, figured on accepted ratio of 5 sheep to 1 cow.

SCOTT, *Superintendent.*

You see, when they let the range, instead of letting it for 96,000 sheep they let it for 50,000 sheep. You can see that that would allow them to run nearly 50,000 sheep for nothing.

Senator LANE. Do you mean to say that they let it on the basis that 50,000 head is all it will carry, but that, as a matter of fact, it will carry more than that, and that the lessee does carry more than 50,000?

Mrs. GREY. Oh, yes; it is well known that Rea. Bros. have had on that range 150,000 sheep.

Senator LANE. And paying for only 50,000?

Mrs. GREY. Paying for 50,000. I will come to that again as I go along.

Senator LANE. Is that deliberately done, do you think?

Mrs. GREY. Oh, yes. I think there is an arrangement made for it in the permit that was made before. If you like I will show you how it is.

Senator LANE. If that was done it would be to the disadvantage of the Indians, because the revenues go to the Indians?

Mrs. GREY. Yes; just about one-half.

Senator LANE. And the Indian would be deprived of one-half of the revenue?

Mrs. GREY. \$50,000 a year.

Senator LANE. That is a very grave charge. What have you to substantiate it?

Mrs. GREY. I have it in this [indicating the telegram last read].

Senator LANE. You have the statement of the agent himself?

Mrs. GREY. Of the agent himself. He says that a generous estimate is 96,000 head. He says there are 400,000 acres. The proposal is 400,000 acres in the advertisement.

Senator LANE. And they figure on 4 acres to a sheep?

Mrs. GREY. It is different. I think here he gives it as 5 acres, and there are others where they give it as 4.

Senator LANE. Then it would be a difference in the actual revenue they get there on that reservation, according to your figures from these statements in the record, of somewhere between 30,000 and 50,000 sheep that the lessee would be feeding free of cost?

Mrs. GREY. Yes, sir. Then besides that, Senator Lane, there is a very great deal of hay raised in this district. There is a great deal of irrigated land in the district, and they raise very large amounts of hay there. In that way, you see, they could run a great many sheep to one acre, feeding them hay.

Senator LANE. Do the Indians complain about that?

Mrs. GREY. Very much.

Senator LANE. You have heard the Indians complain?

Mrs. GREY. Very, very much. That was one of the first complaints that was ever made to me on the Crow Reservation, that they were vastly overstocking the range. The range that Charley Bair had was one special case. That was No. 4, which I will take up later.

Senator LANE. Have you ever called the attention of anybody to this?

Mrs. GREY. Oh, that was what the old hearing in 1908 was about, and it was on account of those charges which I made and proved that every lessee on the reservation raised his prices very materially. Charley Bair was on No. 4. He was paying \$7,000, and he voluntarily raised it to \$33,000.

Senator LANE. It is not likely, however, is it, that the present officials would know about it?

Mrs. GREY. I talked over all these things with Commissioner Sells before I went to Crow Reservation. I did not want to go to him after I had heard of certain things there, and Senator Stone arranged for me to go to him, and told Commissioner Sells I could tell him more about Crow Reservation than anybody else, and he made the appointment for me to go. I spent a good many hours with Commissioner Sells going over this very thing, so he has had plenty of it.

The telegram says, "96,000 sheep, figured on the accepted ratio of five sheep to one cow." That makes four acres, and that would make 100,000 on the 400,000 acres, as advertised in the bid.

Senator LANE. The range advertised was 400,000 acres, and the superintendent said that 4 acres would carry a sheep, and they estimated in this contract or permit, or whatever it was, 50,000?

Mrs. GREY. Fifty thousand; not a flat 50,000 even, but an average of 50,000. You know, there are many months of the year when they do not have any sheep on the reservation. Here would be the way they could do. They could run any number they wanted for four or five months, and they could eat as much hay and grass in that way, and they are paying at so much a head, don't you see? There is only one crop of grass a year.

Senator LANE. If they ran 100,000 for six months—

Mrs. GREY. It is just the same as running 100,000 for a year.

Senator LANE. No; if they ran none for the balance of the year.

Mrs. GREY. There is only one crop of grass. If they can eat it all in one month it does not make any difference.

Senator LANE. They do not range there in the winter, then?

Mrs. GREY. Yes; they do, but they can not range in the winter unless they have left feed. That is just one time they do range on Crow. They are feeders; they are not breeders.

If you estimate, Senator Lane, 100,000 head of sheep at 45 cents a head, you can see what was lost right there, because Mr. Simonsen offered 45 cents a head for as many head as the range would run.

Senator LANE. I see; and you claim it will carry 100,000?

Mrs. GREY. No; it will not carry 100,000; I will take that up afterwards. But this is according to their bids.

Now, after the bids were opened evidently Mr. Simonsen realized that it was a larger range than he had thought and that his check and deposit was not sufficient, so he writes a letter to the Commissioner of Indian Affairs, which I will read next:

[The Big Horn Sheep Co. (Inc.). Capital, \$75,000.]

CROW AGENCY, MONT., *October 22, 1913.*

HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In connection with my proposal for grazing privileges on district No. 3, Crow Reservation, Mont., for two years from February 1, 1914, submitted to Supt. W. W. Scott, and opened at the Crow Agency office October 20, in accordance with advertisement of September 12, 1913, I wish to state that I am willing to agree to a minimum number of 50,000 head of sheep to be grazed on district 3, which will make the amount of my bid \$22,500 per annum.

You see, he knew he was paying on 400,000 acres. Lee Simonsen is an illegal sublessee on Crow Reservation, on the Spear Bros. lease. You know it was admitted that he was there. So he knew what he was doing [continuing reading]:

I am now informed that the present lease on this district carries a provision limiting this district to the number of sheep stated above.

Your attention is respectfully called to the fact that my check accompanying bid was for \$2,000 only, for the reason that I did not understand at that time that your office had already determined the number of sheep this range would carry. However, I will be glad to remit the balance of this deposit at any time it may be called for by your office. My bid at 45 cents per head per annum being the highest proposal submitted, I believed the department will not consider an oversight as to the amount of deposit sufficient reason for the rejection of my offer.

Respectfully submitted,

LEE SIMONSEN.

The supervisor, Charles L. Davis, of the Washington office, made a memorandum for the commissioner on these bids, which I will read:

[Memorandum.]

OCTOBER 29, 1913.

According to abstract of bids received by Supt. Scott on district 3, Crow Reservation, William Rea, the present lessee, bid \$20,000, on a basis of 50,000 sheep or 10,000 cattle. C. R. Massey bid \$21,500, without specifying the class of livestock or the number to be grazed. Lee Simonsen bid 45 cents per head for sheep or \$2.55 per head on cattle, without specifying numbers.

By letter of October 27, Mr. Rea, believing that Massey's bid was the highest, makes a supplemental offer of \$22,000, under a clause in the original bid, wherein, being the present lessee, he offers to meet the highest bid.

By letter of October 22, Mr. Simonson makes more definite his original bid by agreeing to pay on a minimum of 50,000 head or \$22,500 per annum for the lease. He says that his check deposited with the bid was for \$2,000 only, which would be less than the required amount on a bid of \$22,500. In my judgment, this is immaterial, and should not work a forfeiture of his offer.

As the offers now stand Mr. Simonson would seem to be the highest bidder, but Mr. Rea's letters indicate that he would meet that bid just as readily as he raised Massey's bid if he knew that Simonson had so modified his former bid as to make the amount exceed Massey's.

The question may arise whether it is right and proper that these later offers should be entertained, but I am of the opinion that they should be, as each of them is really forecasted in the original bids. In his bid Mr. Rea speaks of owning lands nearby on which he has shearing pens, etc. Whether this means that these shearing pens are so located that the excess grazing around them would be confined to his own lands, is not clear from the correspondence. If such should be the case, it would be in his favor, inasmuch as the excessive grazing around the shearing and dipping pens is quite injurious to the land.

Mr. Rea would also have a moral claim to preference by reason of being the present lessee, in good standing, though there is nothing in the record that would give him more than a moral right to such claim.

In my judgment, this pasture is worth more than any of the bids offered. I am also of the opinion that the specifications should be a little more definite in some matters, particularly as to when the lambs should count as old sheep, both for permit purposes and as against the maximum allowed on the range.

It is probable that Rea and Simonson will each insist on the acceptance of his bid, in which case it will probably be advisable to reject all bids and give all parties an opportunity to make new offers.

As the records now stand, Mr. Simonson would seem to have the best bid, taking all things into consideration, but there is no doubt but what Mr. Rea will raise it if he gets an opportunity.

CHAS. L. DAVIS, *Supervisor.*

On November 7, 1913, Commissioner Sells, in writing to the Secretary of the Interior, wrote as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 7, 1914.

The SECRETARY OF THE INTERIOR.

SIR: On September 12, 1913, the department authorized the advertising for bids for grazing privileges on District No. 3 of the Crow Reservation for the two-year period beginning February 1, 1914. In response thereto bids were received and opened at Crow Agency on October 20, 1913.

There is now submitted all the papers in the case, including the letter of the superintendent, dated October 21, abstract of bids, and several letters submitted by and on behalf of the several bidders, three in number. For the reason that the bids are considered unsatisfactory, in that they are more or less indefinite in their terms, and for the further reason that some of the bidders have submitted supplementary propositions, indicating that the bidders did not consider their first bids full value for the privileges offered, it has been decided by this office to reject them all and readvertise. The superintendent and the several bidders have been so advised.

A form of advertisement has been prepared for insertion in the following-named papers, at an estimated cost of \$100, to be paid from "Indian moneys, proceeds of labor, Crow Indians."

Now, the payment for this advertisement from this fund is illegal. "Indian moneys, proceeds of labor, Crow Indians." I find on looking over the accounts of the agent in the Treasury, is from the sale of ceded land. It is a strictly restricted fund, and this is one of the illegal expenditures of this fund of which I have complained a good many times.

Senator LANE. They expended it for advertising?

Mrs. GREY. For advertising.

Senator LANE. Where could they have derived the money?

Mrs. GREY. Why, they have an income from the grazing—\$170,000 a year, approximately.

Senator LANE. How do you know it is charged to that fund?

Mrs. GREY. It is so stated here: "At an estimated cost of \$100, to be paid from 'Indian moneys, proceeds of labor, Crow Indians.'"

In examining the accounts of the Crows I found that the "Indian moneys, proceeds of labor," is the sale of ceded lands.

Senator LANE. That is not proceeds of labor.

Mrs. GREY. I know, but it is covered in under that head in order to avoid the restriction.

Senator LANE. What restriction?

Mrs. GREY. In the abstract of the accounts you will find that there is always a note at the head of the account which will show to which fund it is charged, and this "Indian moneys, proceeds of labor," from that account, I find, is the sale of ceded lands. That can be taken up later.

I call your attention to the fact that in advertising for bids the second time the bid was made on November 7, and the time of the lease, you see, was almost up. They really hardly had time to make a bid, because the lease expired on the 31st of January, and there was only one bid. This might be used as an argument against the bids except in midsummer. In midsummer they got three bids, and this time only one bid, which was really not a bid. He only bid on one part of the range, and Commissioner Sells rejected it.

Senator LANE. How much was it for?

Mrs. GREY. Supt. Scott wired:

One bid only received on district No. 3. Twelve thousand dollars for the south two-thirds of district. Letter to-day.

Senator LANE. Who bid that?

Mrs. GREY. Lee Simonsen.

Senator LANE. And he had bid higher?

Mrs. GREY. He did bid higher; he did bid what would have amounted to probably three times that much. All his sheep were on the reservation, and he needed a place to put them, and these other men wanted it, and yet there was only this one bid.

The next thing is a telegram:

DECEMBER 15, 1913.

WILLIAM REA, Jr.,
Billings, Mont.

Please wire approximate number sheep you now have on Crow Range No. 3. Give wethers and ewes separately.

CATO SELLS.

I call your attention to the fact that he wires to the lessee for the number of sheep that are on the reservation, instead of wiring to the agent or to any of the about 10 employees who are being paid for nothing except to keep track of the stock on the reservation.

Senator LANE. He may have done that to confirm some information he had received from them.

Mrs. GREY. Yes; but you will remember that we have had before a statement that the chief inspector on the reservation said that he did not count sheep because they were not stock; and he was the inspector on the reservation and the only one who would keep track of this number of sheep.

Senator LANE. Then you claim that the only information that the commissioner had in regard to the number of sheep on the range, in this instance, was the information that he received from the lessee?

Mrs. GREY. When I was on the Crow Reservation there was a hearing held at the agency office, and the agent himself testified that there was no data on the reservation in his office to show how many cattle there were there or how many sheep. The chief inspector of stock (Campbell) said he did not know. After a hearing, after about a year in the Indian Office, they sent Inspector Norris out there, and he reported the same thing, and said that the matter of branding and keeping account of the lessees' stock was very poorly done, and that this man Campbell—you remember the record against him, that his inspection was practically no inspection; that he had been drunk so many times on the reservation, and drank before the Indians; that he had lost his efficiency, and that he was guilty of dealing in horses. There is everything in the world possible against him, and yet he is retained on the reservation, and he is to-day helping in receiving this new \$500,000 worth they are buying.

Senator LANE. The deduction which you wish made is that the management of the business of the Indians is careless, inasmuch as the employees of the Government do not know how much stock there is ranging on there, and through that carelessness the affairs of the Indians are mismanaged, and they lose money by it?

Mrs. GREY. Unquestionably they lose money. They are receiving shipments from outside, I think, of half a million dollars' worth of cattle just now.

Senator LANE. I mean in regard to this sheep matter.

Mrs. GREY. Yes; there is no account at all of the sheep or cattle on that reservation. No one knows, no one has any idea how many cattle or sheep there are there.

Senator LANE. That is the point you wish to make?

Mrs. GREY. Yes. I reported that two years ago to the Indian Office, and they sent Inspector Norris out, and he confirmed that report very strongly.

Senator LANE. You have made this complaint before?

Mrs. GREY. Yes; I have made this complaint for the last eight years.

Senator LANE. And it was confirmed by some inspector?

Mrs. GREY. The first time I made it was to the Senate Indian Committee. I made it to the grand jury at Helena first, and then I made it to the Senate Indian Committee, and the result of my making my charges to the Senate Indian Committee was that the lease money was changed from about \$40,000 a year to \$170,000 the next time they were let. Since that time, as you go through these leases you will see that they have let it down until it has gone back very materially.

The next letter to show any action in regard to these leases is from Mr. Z. Lewis Dalby to the Commissioner of Indian Affairs, as follows:

[Z. Lewis Dalby, attorney at law, 425-429 Bond Building.]

WASHINGTON, D. C., February 11, 1914.

Hon. CATO SELLS,

Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. COMMISSIONER: Following our conference yesterday afternoon, I telegraphed Mr. Rea that I had accepted, subject to his approval by this morning, your offer of the grazing privileges on grazing district No. 3 of the Crow Reservation, and I am just in receipt of a telegram from him in which

he says: "I approve your acceptance of Commissioner Sells's offer to lease No. 3 for period one year nine months, until November 1, 1915, for total \$45,000." This, I believe, meets the point squarely, and appears to make the agreement final, leaving it only to be reduced to writing and duly executed.

Mr. Rea, however, makes the further suggestion (not as a condition of his acceptance of your offer, but as a suggestion for your consideration) that in view of the fact that it will not be possible for him now to get much use of this range before spring opens up, you let the term expire at the end of November, instead of at the beginning of that month. I trust that you may see your way clear, under the circumstances, to grant this concession.

On Mr. Rea's behalf I am ready at any time to proceed with the preparation of the new lease, which I understand will be similar to the old one, except in the matter of price.

Very truly, yours,

Z. LEWIS DALBY,
Attorney for William Rea, jr.

This is dated February 11, 1914, 11 days after the lease under which Mr. Rea was working had expired. This letter shows that conferences were held in person in the office between the attorney for Rea Bros. and Mr. Sells.

The next paper is a grazing permit; it does not seem to have a date. It says:

By authority of the Interior Department permission is hereby granted William Rea, jr., of Billings, Mont., to hold and graze live stock on the Crow Reservation, on the territory usually known or described as follows—

and then it goes on:

Estimated area, 400,000 acres. * * * Average maximum number of sheep, not to exceed 70,000.

You see, they have raised the number of sheep.

Senator LANE. It was 50,000 in the others?

Mrs. GREY. It was 50,000 in the others. Now it is not to exceed 70,000.

Senator LANE. It was raised 20,000?

Mrs. GREY. Yes, sir.

Senator LANE. That lease runs from February 1?

Mrs. GREY. From February 1. This was not completed, but there are matters I want to take up in connection with it. You see, this was made on the 1st of February—

Senator LANE. Where did that originate?

Mrs. GREY. Here in Washington, and is evidently the lease described in Mr. Dalby's letter. It is \$45,000 from February 1 to July 1.

Senator LANE. February, 1914, to July, 1915; is that what it is?

Mrs. GREY. From February 1, 1914, to November 1, 1915.

Senator LANE. That has not been entered into?

Mrs. GREY. It was in a way, but in a way not. I will just read it to you.

The next is a letter written by E. B. Meritt, assistant commissioner, to Mr. W. W. Scott, February 14, 1914. This was 14 days after the lease had expired, and Mr. Rea was holding the range at that time [reading]:

FEBRUARY 14, 1914.

Mr. W. W. SCOTT,
Superintendent Crow School.

MY DEAR MR. SCOTT: Referring to your letter dated December 3, 1913, and previous correspondence regarding the letter of grazing privileges on district No. 3 for a period of two years, beginning February 1, 1914, there is inclosed for your information a copy of letter dated February 11, 1914, from the attorney for William Rea, jr., accepting on behalf of Mr. Rea an offer to lease the

district for a period of one year and nine months, commencing February 1 of this year, for a total consideration of \$45,000.

There is also inclosed a permit in four parts which has been tentatively accepted by Mr. Rea's attorney. You are instructed to sign the same in quadruplicate on behalf of the Indians and forward it to Mr. Rea at his address at Billings, Mont., for his signature. It is understood that a surety company bond will be furnished, and for this purpose Mr. Rea will return the papers to his Washington attorney.

When the department shall have taken action on the permit and bond a copy will be furnished for your file, and at the same time you will be definitely instructed regarding the disposition of the deposit submitted by Mr. Rea. In the meantime you will return to all other bidders the amounts received in connection with their bids on this range.

Very truly, yours,

E. B. MERITT, *Assistant Commissioner.*

(Carbon to Z. Lewis Dalby, Bond Building, Washington, D. C.)

Now, evidently Mr. Rea made the proper deposit of 10 per cent. The range was awarded to him, and not to anyone else, and the time of awarding had passed, and this check was put up as a forfeit.

Senator LANE. Was that all made subject to advertisement—were bids advertised for?

Mrs. GREY. It should have been, but it was not, you see. This range should have been let to Lee Simonson. It was not so let, but at the same time the check was put up as a deposit, as Mr. Meritt says. In other words, the deposit submitted by Mr. Rea was put up as a deposit to be forfeited; of course, it could not have been put up for anything else. If they did not complete the bid as it had been awarded to them, that would be the only reason there could have been a check deposit, because it was not in payment of the lease. It was put on deposit, as Mr. Meritt says.

I examined the accounts of Agent Scott, and I find no record where this bid was forfeited, although the time for letting the lease has passed, and the award was made to Rea Bros. for the 1st of February, and no other award was made until the 1st of April. Consequently, the Indians lost the time of February and March, and, estimated at the rate that Mr. Simonson bid, that was quite a heavy loss. I am not sure that the bid was not forfeited, but I can not find any record.

Senator LANE. The check?

Mrs. GREY. Yes, sir. I could not find any account of the check.

April 1, 1914—two months later—Commissioner Sells wired to Agent Scott, superintendent of Crow Agency, Mont. (reading):

APRIL 1, 1914.

SCOTT, *Superintendent, Crow Agency, Mont.:*

Your telegram March 31. Rea has not submitted permit here. If he fails to complete agreement you will be authorized to negotiate permits for grazing sheep this year at 45 cents a head. You will be notified in few days what action to take.

CATO SELLS.

The next is a telegram from Mr. Scott, which should really precede the other. It is dated March 31, 1914, to the Indian Office, Washington, D. C. (reading):

CROW AGENCY, MONT., *March 31, 1914.*

INDIAN OFFICE, *Washington, D. C.:*

Request advice as to status Rea permit, range No. 3. Indications Rea will not be able to carry out agreement. In case this proves to be correct, could probably permit to other parties if immediate action is taken.

SCOTT, *Superintendent.*

The next is a telegram dated April 4, 1914, from Cato Sells, commissioner, to Scott, superintendent Crow Agency [reading]:

SCOTT, *Superintendent Crow Agency, Mont.:*

APRIL 4, 1914.

Does grazing district No. 3 include ceded lands between line of diminished reservation and Burlington Railroad fence? Wire immediately.

CATO SELLS.

Mr. Scott's reply is [reading]:

CROW AGENCY, MONT., April 5, 1914.

INDIAN OFFICE, *Washington, D. C.:*

Your wire 4th. No ceded lands included in range 3.

SCOTT, *Superintendent.*

You will remember, the commissioner said that it did include the ceded lands the other evening.

The next paper in the file of this district No. 3 is what seems to be a permit to James P. Magee and D. B. Zimmerman, of Omaha, Nebr., and of Somerset, Pa. It is just a blank form, and it is for a minimum of 50,000 head of sheep or 10,000 head of cattle, an average not to exceed 70,000 sheep and 12,000 head of cattle, and it is for \$45,000, a total payment running from April 1, 1914, to January 1, 1916, and the first installment to be paid in four equal installments of \$11,250 cash; and on October 1, 1914, and April 1, 1915, and October 1, 1915. There are no restrictions connected with it at all of any kind. There is no consent of the Indians. It is the first permit I have ever seen for Crow Agency which wholly disregards the law, that the Indians must consent to the lease of these ranges. The Indians had permitted it to be leased before, but every other lease that I have ever seen on Crow Reservation has had some kind of an action by the Indians, as the law requires. This contains none. This is simply overriding the Indians absolutely.

Senator LANE. But it is not signed.

Mrs. GREY. It is not signed; no.

Senator LANE. Maybe it was merely a tentative leases.

Mrs. GREY. It might be a tentative lease, Senator Lane, but there was an acceptance of money on the permit.

Senator LANE. Money accepted on it?

Mrs. GREY. Yes; the money was accepted.

I will just compete that.

Senator LANE. All right, then.

Mrs. GREY. There is a telegram missing, but this is a reply to a telegram. It is dated April 6, 1914, from the Crow Agency, Mont., signed by W. W. Scott, superintendent, to the Hon. Commissioner of Indian Affairs, Washington, D. C. (reading):

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., April 6, 1914.

The COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: Referring to your wire of even date, I have this day wired you as follows:

"Your wire to-day. Close estimate 330,000 acres exclusive of sold or fenced land in range 3. Mailing map and description."

Inclose herewith map showing range 3. The McCormick fence mentioned in old leases was removed many years ago, so I think that this description should be more definitely described. The following description is given to

cover district No. 3, the western boundary is given as nearly as possible on the line of the old McCormick fence.

"Beginning at the point where the Big Horn River crosses south line of reservation, thence west to middle line sec. 14, T. 7 S., R. 28 E., thence north along half-section line to south line of T. 5 S., R. 28 E., thence east to middle line sec. 35, T. 5 S., R. 28 E., thence north along half-section line to the north line of sec. 11, T. 5 S., R. 28 E., thence in a northeasterly course to a point where the north boundary of the reservation crosses the center line of sec. 2, T. 2 S., R. 30 E., thence east along reservation line to section line between secs. 3 and 4, T. 2 S., R. 33 E., thence south to the Big Horn River, thence up Big Horn River to place of beginning."

Very respectfully,

W. W. SCOTT, *Superintendent.*

You see, this in no wise takes account of the allotments that they had in No. 3. It is only of the land that is fenced and also what has been sold, and it leaves 330,000 acres.

Senator LANE. How much allotted land would there be in there, do you suppose?

Mrs. GREY. Well, I have here with me——

Senator LANE. Well, approximately?

Mrs. GRAY. I have only 8 townships, and in the map which I have made of this district there are 15 townships. I have only an account of 8 townships, and I estimate 85,000 acres by the allotments that are here. I have only half—that would make one-third of this allotted land, at least, and I should say there is more. In examining these allotments from the individual leases, I found that very frequently land was allotted and did not show on these records here. Right here is Booce Creek [referring to map]. I know that all of this is taken up by allotments. Nothing here is shown. I think that a large proportion of this range is allotted.

Senator LANE. And that would be unlawful?

Mrs. GREY. Yes. The allotments are not subject to a lease or alienation of any kind.

Senator LANE. Is it against any provision of the law?

Mrs. GREY. That is the law: that the title to be acquired to the land allotted to the Crows is not to be subject to lease, alienation, taxation, or decree of any court.

Senator LANE. Then, if that lease had been entered into, it would not have been one that could have been enforced; it was illegal?

Mrs. GREY. It is illegal on two points. It was not submitted to the Indians——

Senator LANE. Does the law require it should be?

Mrs. GREY. Yes; the law requires that it shall be and it always has been.

Senator LANE. How do you know it was not submitted to the Indians?

Mrs. GREY. There is nothing here in the lease to show it.

Senator LANE. Should the lease show that?

Mrs. GREY. Yes; every permit and every lease I have seen before have been accompanied with what appears to be the action of the council of the tribe. The older leases all contain a form of council proceedings that were embodied in the lease until they changed it and made the permit instead of the leases. But this is the first time I have ever seen a permit made on Crow Reservation that wholly ignores the Indians. The Indians are bitterly opposed to cattle on this district, because they are running a good many cattle here, and

they have their own lands. They have been trying to farm. This is bench land here; it is one of the finest land sections that there are in that country, and you can see for yourself how well watered it is. It is not at all dry land; and they are running their own stock, their horses, and farming quite a little up there. A good many Indians have taken out ditches of their own, and they object to cattle, because the cattle break through their fences. See all the trouble and annoyance they avoid. They would have nothing but sheep there, and they have nothing but sheep there. Rea Bros. run only sheep. But this bid is for either cattle or sheep.

Senator LANE. Have any cattle or sheep been placed on there?

Mrs. GREY. Yes; and I understand there is a very large number of sheep and that the cattle are there, too. Several of the Indians have written that to me.

The next paper is a paper that is signed by Mr. Meritt, assistant commissioner, and dated April 6, 1914 (reading):

APRIL 6, 1914.

Received of Jerome P. Magee check for \$11,250, first payment on lease on Crow Reservation grazing district No. 3, drawn in favor of the superintendent of the Crow Reservation, check uncertified and drawn on the United States National Bank, Omaha, Nebr.

E. B. MERITT,
Assistant Commissioner.

This was the first payment. Now, Jerome P. Magee is not, in fact, a cattleman; he is an attorney. I show you here his letterhead [exhibiting paper to the commission]. This is the same man.

Senator LANE. What does it say?

Mrs. GREY. "Attorney at law."

Senator LANE. There may be many attorneys who are cattlemen.

Mrs. GREY. Yes. He is a very well-known man in Omaha. He goes by the name of "Rome" Magee, and he is the nephew of Marshall Field, and was one of the heirs. He inherited a large sum from the estate.

Senator LANE. Well, were they not cattle people?

Mrs. GREY. They were cattle people; that is, their investment included cattle.

Senator LANE. Well, he is probably used to dealing in cattle?

Mrs. GREY. Yes; stock. But he is, as you see, a lawyer in Omaha.

The point I want to make is, Senator Lane, that the lease was let to D. B. Zimmerman, and Zimmerman is of the firm of Spear-Zimmerman Cattle Co., which was a reorganization of the Spear Bros., of which H. C. Bostwick is president, and that this range is, in fact, let to Bostwick, and Magee came on to Washington as the attorney and made the lease here in person, and made the deposit for the first payment.

Senator LANE. It has been advertised, has it not?

Mrs. GREY. No, sir.

Senator LANE. Does the law require it to be advertised, or do they do as they please about that? They usually do advertise?

Mrs. GREY. They are supposed to advertise these ranges.

Senator LANE. But they do not have to, do they; they are not compelled to, I mean?

Mrs. GREY. Until that hearing in 1908 I think they did not advertise them, but I think that after that time—I do not know whether

an order was made or how it was done—I think I am right about that. In fact, I know they did. Yes; I think they have always been advertised.

The next is a letter dated April 7, 1914, signed by Cato Sells, commissioner, and addressed to W. W. Scott, superintendent Crow School [reading]:

APRIL 7, 1914.

Mr. W. W. Scott,

Superintendent Crow School.

MY DEAR Mr. SCOTT: In further response to your telegram of March 31, there is inclosed a permit in quadruplicate in favor of Jerome P. Magee and D. B. Zimmerman for grazing stock on district No. 3 for a period from April 1, 1914, to January 1, 1916, at a total consideration of \$45,000. This permit has been signed by Mr. Magee and there is inclosed a check in your favor for \$11,250, covering the first payment. You are requested to sign all parts of the permit and forward it to Mr. Magee, 644 Brandeis Building, Omaha, Nebr., in order that a bond may be furnished and for the signature of Mr. Zimmerman.

Mr. Rea's attorney has been notified that the offer to grant him grazing privileges on district No. 3 has been withdrawn.

Very truly, yours,

CATO SELLS, *Commissioner.*

That, you see, was just about two months after the range had been awarded to Rea Bros., and Rae Bros. had put up a check as a deposit in good faith.

The next is a telegram signed by Cato Sells, dated April 22, 1914, and addressed to Scott, superintendent, Crow Agency, Mont. (reading):

APRIL 22, 1914.

SCOTT, *Superintendent Crow Agency, Mont.:*

Advise office what action has been taken on permit to Zimmerman and Magee for district 3. Has check covering first semiannual payment been collected?

CATO SELLS.

To which Agent Scott replied (reading):

CROW AGENCY, MONT., *April 23, 1914.*

INDIAN OFFICE, *Washington, D. C.:*

Office wire 22 permit for district No. 3 mailed McGee April 13. Check mailed depositary to-day for collection.

SCOTT, *Superintendent.*

Mrs. GREY. That is all.

Senator LANE. That is all you have to-night?

Mrs. GREY. That is all of district No. 3.

Senator LANE. It is your contention, as I understand it, that these leases have not been regularly entered into; that they include lands which are illegally rented, if they are rented at all, and that it is done without advertisement at private bid and at a less price than the land is worth overstocked?

Mr. GREY. At much less than it is worth; much less than the actual bid was made by responsible men who had sheep on the reservation. Between the time that Mr. Lee Simonson made his bid and the time that Mr. Magee came here and made the bid for Zimmerman they had closed out Lee Simonson, and he is supposed to have gone into bankruptcy. I think, in fact, the sheep are still on the reservation; I think he broke into the ring; I think that is what happened.

Senator LANE. You do not know anything about that?

Mrs. GREY. I know his sheep, and I know he is shipping a large number of sheep from Billings.

Senator LANE. Simonson?

Mrs. GREY. Yes.

Senator LANE. You think he has made some sort of an arrangement?

Mrs. GREY. Yes; I think he "broke into the ring."

TESTIMONY OF Z. LEWIS DALBY—Resumed.

Senator LANE. Do you want to make any remarks, Mr. Dalby?

Mr. DALBY. On this, Senator?

Senator LANE. Yes.

Mr. DALBY. No; I have no desire to say anything on this subject, but I will be very glad to give you any information I have if you desire to ask me any question.

Senator LANE. Do you know anything about this?

Mr. DALBY. Oh, yes; I know a good deal about it.

Senator LANE. You were sworn the other night?

Mr. DALBY. Yes.

Senator LANE. What is the condition about that matter of Magee? Was that lease made to Magee along about this time?

Mr. DALBY. That is my information. I do not represent Magee and have that only on the statement of others. I think this, there is no question of the fact that it was given to Magee. I represented Mr. Rea up to that time and he was endeavoring to make his arrangements to meet the requirements and did not succeed.

Senator LANE. What happened to Rea?

Mr. DALBY. He was not able to come to the scratch with his money.

Senator LANE. Was it advertised the last time?

Mr. DALBY. The last time it was advertised was, I think, in October or November.

Senator LANE. And this, then, was let without public bidding—open competition?

Mr. DALBY. Yes, sir.

Senator LANE. The custom has been that it should be by open bidding and advertised for, has it?

Mr. DALBY. I think so. I think it always has been. As the commissioner explained to you the other day, he was up against a condition of getting that range used; and, as it seemed to me as the attorney for Mr. Rea, he drove a mighty good bargain under the conditions that then existed. Mr. Rea was in the position of having stock on feed in the Yellowstone Valley, which he wished to provide range for, having removed all his stock from the Crow Reservation before. You will find a telegram in the files to that effect.

Mrs. GREY. Yes; the telegram is there—that they had no stock on the reservation.

Mr. DALBY. He had no stock on the reservation, but he had stock on feed in the Yellowstone Valley, and it was necessary for him to provide range for those, and it was a crucial condition for him, and under those conditions he made a very much higher arrangement as to price than he would have made under other conditions, but he was not able to finance it. It was too high.

Senator LANE. If they were to advertise for those leases, so that the sheep and cattlemen could go on there in midsummer, rather than in the dead of winter, it seems to me they would receive more bids.

Mr. DALBY. It would be a more logical time, Senator.

Senator LANE. This idea of trying to move cattle or sheep onto a range at the 1st of February is simply out of the question.

Mr. DALBY. Senator, it ought to be either in the spring or the fall, at one end of the grazing season, and as you will see in his arrangement with Mr. Rea, that change was made at the suggestion of Mr. Rea, made through myself, and the commissioner changed it to the 1st of November, and Mr. Rea felt that that was a little bit early, and we tried to get him to move it up to the last of November, and he declined to do that, after having adopted our suggestion as to making it end earlier, and having fixed that date earlier than we wished it fixed, he adhered to his original date.

Senator LANE. But if the cattle were taken off of there, assuming that Rea's lease expired February, 1911, and he had gotten off by the middle of February, and then you would begin a system of advertising that somebody shall have possession the 1st of June or July, and advertised freely, and then people could come on there all right, and there would be plenty of grass?

Mr. DALBY. Oh, yes. This is really the situation: The term ending February 1 made it necessary for Mr. Rea to do as he did, to take his sheep off in the fall. Then the new man could not get on until the spring, you see.

Senator LANE. I see. If they had advertised for bids to everybody, free and open competition, that they could enter on there in time for the spring range, instead of having to come on there in the winter; it seems to me they would have had a number of bids.

Mr. DALBY. Anybody would know that, that they could get on any time that the range was suitable for his stock after he had made his lease, but he could not come on before he made his lease, and the office could not permit him to come on before making a lease.

Senator LANE. But there would be more bids for the use of the range if it was so that the lessee could get onto it in the season when he could feed.

Mr. DALBY. In reply to that, I would say, generally, Senator, I think it would be better to have it at some other time, and the commissioner recognized that.

Senator LANE. I do not see how anyone could expect to get much competitive bidding where the lessee has to take possession of the range in midwinter.

Mr. DALBY. It does not really affect it from that point of view, Senator, because whenever the term begins and ends it is a range, and there is competition for that range and everybody meets the same condition. There would be competition just the same, but it is not as good a time for changing concessionaires.

Senator LANE. I would not think so.

We will now adjourn until a later time.

(Thereupon, at 10.15 o'clock p. m., the joint commission stood adjourned.)

MEDICAL SERVICE, BUREAU INDIAN AFFAIRS
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

JULY 13, 1914

PART 16

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE

1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.
HARRY LANE, Oregon.
CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEVENS, Texas.
CHARLES D. CARTER, Oklahoma.
CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.
ROSS WILLIAMS, Arkansas, *Clerk*.

MEDICAL SERVICE, BUREAU INDIAN AFFAIRS.

MONDAY, JULY 13, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission, being in session and having had other matters under consideration, proceeded to hear the following testimony:

Present: Senators Lane (acting chairman) and Townsend.

TESTIMONY OF MISS LUCRETIA T. ROSS.

The witness was duly sworn by Senator Lane.

Senator LANE. Now, your name in full is what?

Miss Ross. Lucretia Thompson Ross.

Senator LANE. Where do you reside, Miss Ross?

Miss Ross. I have no home. I call my home with my sister, at New Richmond, Ohio.

Senator LANE. What is your occupation?

Miss Ross. Trained nurse.

Senator LANE. Has that been your occupation of late?

Miss Ross. Yes, sir.

Senator LANE. Where have you been at work?

Miss Ross. I have been supervising nurse in the United States Indian Service.

Senator LANE. Supervising nurse?

Miss Ross. Yes, sir.

Senator LANE. That means a nurse who has supervision over what?

Miss Ross. I was employed to travel at large throughout the service to visit all schools and reservations, to instruct field matrons, to instruct school nurses, to help them to more scientific work, to organize classes, and give a course of lectures to all large girls in the schools on sex hygiene, the care of the new born, and similar things.

Senator LANE. How long were you engaged in that?

Miss Ross. As supervising nurse?

Senator LANE. Yes.

Miss Ross. I was employed as supervising nurse May 17, 1909.

Senator LANE. You are employed by the Government now?

Miss Ross. No, sir.

Senator LANE. When did you sever your relations?

Miss Ross. July 11, 1914.

Senator LANE. Just a few days ago?

Miss Ross. Yes, sir.

Senator LANE. What was the occasion?

Miss Ross. I was asked to resign by Hon. Cato Sells, Commissioner of Indian Affairs.

Senator LANE. Do you know of any reason why?

Miss Ross. Yes, sir.

Senator LANE. Will you state it?

Miss Ross. I have here with me all evidence in the case, all the letters I submitted, and all the letters from Mr. Sells, and I ask your permission to offer these as evidence and have them entered in the record.

Senator LANE. They will be accepted. Do you wish to make a verbal statement in connection with them, or just hand over the documents?

Miss Ross. I wish to make a statement.

Senator LANE. Very well; go ahead.

Miss Ross. I was detailed to White Earth Reservation August, 1912, after the Graham investigating committee had visited White Earth and had discovered such a dreadful condition of affairs among the Indians on the White Earth Reservation, especially the full bloods. They recommended that some of the schools be closed and hospital work be begun instead. The boarding school at Pine Point was closed as a school, I think in April, and opened as a hospital. They did some work during the summer, and in August I was detailed to the White Earth Reservation to assist in trachoma work over the reservation and to get the hospital in shape.

I visited Pine Point, went to the hospital—which was the old school building—and I found things in a fearfully unsanitary condition—an unsightly, filthy condition. The teacher of the school, who had taught there the year previous, still had her room on the second floor of the school building, and the stench when we got to the head of the stairs was nauseating. I had her removed over to the employees' quarters in order to clean up the hospital building, and, in company with the field matron, took three large pailfuls—which would fill a tub almost—of ashes and débris from the stove in the teacher's room, that was packed down with urine and other débris. There was no screen on the entire plant. The flies swarmed everything. There was a large room that had been used as a schoolroom, one corner of which was stacked with old schoolbooks, and along the side were stacked a dozen or more old double mattresses that had been used for years with Indian children. There were four or five old double beds, without a sheet on them, across the other side of the room, and Indians in different stages of disease occupied those beds, and food, and other débris littered the floors. The flies literally swarmed that place.

Senator LANE. Were these patients?

Miss Ross. These were patients; yes, sir.

Senator LANE. Was some one in charge of them?

Miss Ross. The field matron was supposed to look after them.

Across the hall in another room was the worst case of syphilis I have ever seen—actually dying, and flesh falling from the bones—and there were no screens there, and flies swarmed. The privies were mere earth closets, and the flies flew out of them by the score. The wells were little 10 or 15 foot wells that acted merely as drains for the adjacent privies and slops.

That was the condition I found at Pine Point hospital—the United States Hospital for the Indians. There was not a blind in the building. There was not a sash curtain in the building. I think I counted

72 or 74 towels, some of them 18 inches in length, for the entire plant. They had been used all year for school children. Everything else was the same way.

I tried to get supplies to make curtains, to make pillow cases, sheets, and blinds. I got into the commissary after awhile, and found that we had ample supplies to make 200 opaque window blinds—I mean 100 blinds: I counted the number of feet. There were ample supplies to make 200 pairs of sash curtains, but I had difficulty in getting anything, because the farmer of the plant was in charge.

Senator LANE. Now, by that do you mean in charge of the entire—

Miss Ross. Of the plant; yes, sir. There was a doctor there—Dr. Thomas H. Rodwell—but he was unable to get a thing.

Senator LANE. Why? It seems to me he would be the one who would be in charge.

Miss Ross. Oh, I am simply stating the facts.

Senator LANE. I understand. The farmer was running the hospital?

Miss Ross. The farmer was running the whole plant, hospital, and all.

Senator LANE. Go ahead.

Miss Ross. I wrote to my chief, Dr. Murphy, and explained the difficulty that I experienced in getting supplies. He sent my letter to Maj. John R. Howard, superintendent of the reservation, with a request to know why these things were. Maj. Howard became intensely indignant over it. I am told by people who heard it—Dr. Polk Richards is the man who reported it to me—that he cursed me in the open office, and said I had “gone off half-cocked,” and immediately set to work to head off every movement to do good work at that place.

They had a lot of laborers repairing the buildings of the plant. They put every one of the laborers into the hospital room. That took one of our big rooms. The field matron had her quarters in the hospital building. That took another room. The sewing room was kept in the hospital building, and that took another room.

And all the buildings in the entire plant were torn up. They tore out all the floors at the same time. They did not fix one building. They tore up everything. The kitchen floor was torn up, the windows were torn out, the doors were off. The dining-room floor was torn up. They stacked lumber in there so we had no place where we could take care of patients.

Senator LANE. They dismantled it so it could not be used as a hospital?

Miss Ross. Made it so we could not get them in. We just ran them from one place to another—old, blind people, and people in every stage of affliction. We did our very best under those conditions. Dr. Rodwell was transferred from that place—

Senator LANE. Does Dr. Rodwell know these facts?

Miss Ross. Yes, Senator. Dr. Rodwell was transferred, and Dr. James L. Ballou was sent there to be superintendent of the hospital and plant. Dr. Ballou was a splendidly trained young man. He got to Pine Point, and was snubbed to death, and not allowed to have authority in anything. He had to ask the farmer for a piece of ice, or

for a yard of muslin, or anything else. In confirmation of this I have here an exhibit that I have marked "No. 1."

We went on doing the best we could, working against such odds as that until the 8th day of November, when Maj. Howard came over from White Earth and ordered the hospital closed. He said no authority had been received for having one, and they were going to open it up as a school.

Senator LANE. Who ordered you there in the first place?

Miss Ross. Dr. Joseph A. Murphy, my chief.

I submit Exhibit No. 1. I use this because in the charges against me Mr. Sells makes some statements, as you will hear after a bit.

(The secretary to the joint commission read the letter referred to, as follows:)

EXHIBIT No. 1.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., November 9, 1912.

DR. JOSEPH A. MURPHY,
Washington, D. C.

DEAR SIR: I wish to say a word in regard to the hospital at this place. We have at present 17 patients in the house (all we can care for, because of lack of supplies), and several who come in twice a day for treatment. Others are waiting to come in. Several of these cases are old Indians who are waiting for operations; one of them is totally blind and has to be led around.

Friday Maj. Howard came up here and ordered the house filled with children and a school started. Said that no authority had been received for a hospital at this place.

The farmer this morning (Saturday) excused the only person detailed here besides the field matron, sent the policeman (who carried the wood and water) to White Earth. He to-day told the field matron, who is detailed here, that she was foolish to do this work—that he would not do it. The farmer's wife (not an employee) has endeavored to get the employees to band together and protest against the weekly inspection of buildings.

Conditions are just the same that they were when the whole country was aroused over conditions at this place, and some provision should be made to better conditions. We have only been allowed the team one afternoon in which to look up patients since Dr. Ballou came here.

If hospital is not authorized here, I should like to know it and be detailed elsewhere.

Respectfully,

(Signed) L. T. Ross,
Supervising Nurse.

Miss Ross. I would like to speak right here, please. The next morning another patient had come into the house, and the farmer very seriously objected to his being admitted. I did not know what to do with my people, so I went down and sent this telegram to Dr. Murphy.

(The secretary to the joint commission read as follows:)

PONSFORD, MINN., November 10, 1912.

DR. J. A. MURPHY, Washington, D. C.:

Eighteen patients in hospital and more asking admission. Maj. Howard Friday ordered house filled with children and school started. Says hospital has not been authorized. Letter follows. Wire orders in regard to patients.

Ross.

From Nunn's residence to Mahnomen.

Miss Ross. The school was filled with children. They were diseased and needed attention, but we had one patient in the house who could not be put out. She was desperately ill, and we had to keep her

there—kept her until she died, in fact. I was extremely solicitous about this patient, and I will submit Exhibit No. 2, which will describe something of the conditions under which we worked. I wish you would remember, when you read the statement in regard to this second patient that I call attention to, that we did not have gauze to dress that awful case. I used all the old sheets on the place. I begged old sheets and pillow cases from the Indians, and when the case got so bad I used up all the old newspapers in every Indian home in that community to wrap up that arm with. That was in a United States Government hospital for Indians.

(The secretary to the joint commission read the letter referred to, as follows:)

EXHIBIT No. 2.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., November 10, 1912.

DR. JOSEPH A. MURPHY,
Washington, D. C.

DEAR SIR: I wish to call your attention to some badly needed changes in regard to the buying of drugs on the White Earth Reservation. There is no provision made for buying any drugs in the open market, and great suffering is the result.

When I came to Pine Point in August there was a woman in the house being cared for by the field matron. She was an old syphilitic—top of head one solid scab, nose and lips eaten away, and loose teeth protruding, from halfway from her knees to her toes on both feet was a solid putrid sore, without 5 inches of whole skin on that entire surface. Her treatment consisted of inunctions of citrine ointment and mercury protiodide by mouth. In September she had to be moved to her shack, as the room for isolation could not be spared here.

The 1st of September Dr. Richards ordered salvarsan (606) for her. I visited her a week ago and found her the same wretched object, slightly improved, and they are now giving her grand medicine.¹

Up to date the salvarsan has not been received. October 17, 1912, an Indian woman, 38 years of age, mother of three small children, was admitted to the hospital at this place with a bad cellulitis of the right hand. Septicemia rapidly developed, and in spite of everything that could be done death was imminent.

The husband borrowed \$12, and Dr. Ballou ordered antistreptococcus serum (60 c. c.). There was a decided change for the better at once: fever was greatly reduced, and the blackened, horribly swollen hand and arm began to improve. There are 18 holes in the forearm and hand connected by and through drainage. The pus which has literally poured from the part has been greatly diminished and every symptom improved.

Now erysipelas has developed in the entire right shoulder (front and back) and is spreading across the back. Fever is high accompanied with nausea and other manifestations. Serum would doubtless entirely eradicate the trouble, but we have none, can not get any, and because of this the woman's life will in all probability be sacrificed.²

I could mention other cases that would illustrate the need of proper medicine at the proper time, but these are sufficient.

I recommend that authority be given physicians to purchase in the open market the drugs needed or those not furnished by the department.

Respectfully,

(Signed)

LUCRETIA T. ROSS,
Supervising Nurse.

Miss Ross. The last of November I had never heard anything whatever about my plea for medicines, and the last of November

¹ Died shortly afterwards. Medicine ordered was never supplied.

² I called Mr. Howard up on the telephone and told him that medicines would just have to be secured for this case. He said he had no authority to do it, but I insisted that for the sake of the three little children we must give the woman a chance for her life. He then said to get the medicine we needed.

Dr. Murphy and Supervisor Peirce—Charles F. Peirce—visited Pine Point and went over the needs of the place. The school was in session at the time, and the adult Indians had no hospital facilities. They recommended that a temporary hospital be constructed, and urged that teams be provided for the doctors. I will say to you that on that large reservation a doctor would be located so he would have from 25 to 35 miles to travel to see his patients, and no team was furnished him at all.

Dr. Ballou entered the service a young man, and about 10 days after his advent on the reservation he was called out to see a very sick patient one night. A man came for him, and he went out and took care of his patient, and it was raining as it can rain only in Minnesota, and the man went on and left him, and Dr. Ballou walked 7 miles in the middle of the night, carrying his two cases with him, because a team could not be furnished the doctor. That was the case with all the doctors over the reservation. I am simply naming one case.

I assisted the doctor to operate on as many children as needed attention. I took the temperatures, pulse, and respiration, and assisted in making the examinations, and I think we found one sound pair of lungs in the bunch.

Senator LANE. How many did you examine?

Miss Ross. Every child that was there.

Senator LANE. How many would that be?

Miss Ross. I can not just give you the number; I think about 35, possibly. And the one girl that had sound lungs was completely blind in one eye and almost in the other from trachoma. Everybody else has trachoma also.

Senator LANE. Everybody else has trachoma? That was a real nice place up there.

Miss Ross. December 11 I was ordered to Red Lake, Minn., and left White Earth Reservation. I was at Red Lake from December 11 to March 8, when I was ordered to return to White Earth Reservation—that the new hospital was completed and ready for occupancy, and I was to go there and get it started.

I arrived on the scene, and they had retrograded. The place was as filthy as it was before, almost. Very few children attended the school, and the doctor could not even get them to come in for treatment if the farmer decided it was not necessary. I reported conditions to my chief, and I submit exhibit No. 3.

(The secretary to the joint commission read the letter referred to, as follows:)

EXHIBIT No. 3.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., March —, 1913.

DR. JOSEPH A. MURPHY,
Washington, D. C.

DEAR SIR: I arrived at Ponsford more than a week ago and reported to Dr. Ballou for duty.

I am treating the children daily, but that is all I do, owing to the fact that we have no place to work and no assistance in the housework, even though the building were ready for occupancy.

Of all the poor things I ever saw this shack, designated an "eye hospital," is the worst. It is located back of the main buildings, in a low, marshy place where the water stands several inches deep in the spring and summer, and

not a tree nor a particle of shade near it. On the opposite side of the campus is dry, rolling land, and beautiful pine trees for shade.

The building is of upright boards for sides and roof covered with tar paper on the outside and red building paper on the inside.

No roof other than tar paper, although it rains in a deluge here in the summer.

The building consists of two wings for wards 16 by 32 feet, with three windows and an outside door in each. The middle room, which is for a sitting room, is 16 by 38 feet, and has a door in the front and back, two windows opposite each other are placed 10 feet from the back door; stove is in the same region.

The walls are dark-red building paper, and the room is dark and unsanitary, no way of ventilating except two small windows placed opposite each other in the back part of the room.

When one steps into any of the rooms the floors oscillate all over the building. A large opening is along the floor between the wall and the floor.

When one considers the total cost of the building the character of the structure is at once apparent.

Hauling lumber-----	\$150
Labor for building-----	120
Total-----	270

The doors, windows, and hardware were on hand from improvements made here last fall. Maj. Howard chose the site because of the proximity to the dining room and water, but as the only wells here are surface wells about 10 feet deep, which act as drains for the adjacent privy and slop pit, a well can be put down in less than half a day.

The eye work at this place is almost altogether surgical; yet there is not a spot that can be utilized as an operating room—no place for drugs nor appliances.

It does seem that the medical department of the Indian Service should be consulted in the matter of building hospitals, but such is not the case here. Dr. Ballou was here all the time, but he was never consulted in regard to the location or arrangement of the building. The school here does not amount to anything to speak of. Very few children attend at all, and they only report when they feel so inclined. Ten were absent from school and treatment yesterday, so the trachoma and school work here is a mere farce.

Dr. Ballou is sincere and earnest in his desire to help these people, and I believe he has their confidence and good will, but no team has been furnished him to visit the Indians, so he works under a great disadvantage.

I have been in Minnesota, most of the time on the White Earth Reservation, since the latter part of August, 1912, and in that time have not done as much work as I have previously in a month, although the entire time has been spent among people who are sorely afflicted and need help very badly.

I have delayed asking for a transfer to a field matron's position, hoping that I might be able to be of assistance to these people in their poverty and misery, but it seems a futile hope.

Very sincerely,

(Signed) LUCRETIA T. ROSS,
Supervising Nurse.

Later sent pictures of this building surrounded by water as it has been for about a week.

L. T. R.

Miss Ross, I sent the whole set of pictures showing the building in the water and the reflection of the buildings in the water. We called it "the marine hospital."

(The secretary to the joint commission read the following:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 18, 1913.

MISS LUCRETIA T. ROSS,
Indian School, Ponsford, Minn.

MADAM: I wish to acknowledge the receipt of your letter of March 10. I have called on Supt. Howard to have him instruct Dr. Ballou to advise me in

detail of the exact conditions at Pine Point, with such recommendations as he may make. On receipt of this report I will present the entire matter to the commissioner.

Very sincerely,

(Signed) JOSEPH A. MURPHY,
Medical Supervisor.

Senator LANE. Who was commissioner at this time?

Miss Ross. At the time that was written? I think Mr. Abbott was acting.

(The secretary to the joint commission read the following:)

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., March 28, 1913.

Dr. JOSEPH A. MURPHY,
Washington, D. C.
(Through Maj. John R. Howard.)

DEAR SIR: Your letter of March 18 asking information in regard to conditions at Pine Point is received.

The number of pupils under treatment for trachoma has been very limited during most of the winter, owing to the small and irregular attendance at school, but for the past two weeks has been increasing, until 30 pupils are under treatment.

Several pupils have contracted trachoma during the year; and no precautions have been taken against the spread of the disease in the school until last week. Separate towel racks have been provided for the girls' dormitory, according to my instructions given early in November. None, however, have been provided for the boys' building.

Three pupils are under treatment for tuberculosis. Precautions against the spread of this disease consist in rejecting pupils found to be suffering with advanced active pulmonary tuberculosis or open suppurating glandular or osseous tuberculosis lesions. Pupils are enrolled without the physician's examination.

There are no facilities for the treatment of adult Indians at the school. The new building, which was reported ready for occupancy two weeks ago, was found to be unfit for use as a temporary hospital and is now undergoing alterations. Its location is most undesirable, being in a low, marshy place where, I am told, water stands several inches deep most of the spring and summer. There are no trees near the building for shade or protection. The roof is made of tar paper, which certainly is not sufficient to resist the hail storms that are not infrequent in this locality.

There is no conveyance provided for visiting and treating Indians at their homes. Many Indians come to the office for assistance, but prescribing has to be done on the symptoms recited by the ignorant parent or friend calling for the medicine.

I submit the following recommendations: That all applicants for admittance to the boarding school be submitted to the physician's examination before enrollment; that separate towel racks be provided for the boys' building; that milk and eggs for the incipient tuberculosis pupils be supplied according to estimate submitted some months ago; that a deep well be installed and surface wells abandoned; that all buildings connected with the plant be screened; that the hospital building be removed from its present insanitary location to a position among the pines on the opposite side of the campus where it is dry, placed on a suitable foundation, roofed, ceiled or plastered inside, and weather-boarded outside; and that a team expressly for the physician's use be furnished.

Yours, very truly,

(Signed) JAMES L. BALLOU.

DEPARTMENT OF THE INTERIOR,
* UNITED STATES INDIAN INDUSTRIAL SCHOOL,
Valentine, Ariz., April 30, 1913

Miss LUCRETIA T. ROSS,
Ponsford, Minn.

DEAR MISS ROSS: Your letter of April 19 is just received. I do not see why you can not still accomplish a great deal of good at Ponsford, and will continue

you there if the work would suffer should you be assigned elsewhere. I have sent in a report to the office on the matters reported by Dr. Ballou and yourself with the comments which were made by Maj. Howard and others. I have, however, made some definite recommendations, and if the office directs that these be carried out, I see no reason why things should not be very favorable to the work there. Please keep me advised as to what you are doing weekly.

Very sincerely,

(Signed)

JOSEPH A. MURPHY,
Medical Supervisor.

Miss Ross. As you have heard, the report of the doctor shows that the attendance had increased in the last two weeks—I had been there that length of time—and that sanitation had improved. They beat the brush and got the children in when I got there, fearing they would be reported. Things went on in this way until about the 1st of April, when Miss ———, a real pretty young mixed-blood Indian girl, who had been acting as assistant matron temporarily at White Earth, was sent over to take the housework in the new hospital. It was not ready for use; it could not be used. If you will think of that structure being in a climate where it goes down to 40° below zero and stays that way for weeks at a time, and that you have winter 11 months in the year, you can imagine how satisfactory such a structure would be to put old, decrepit, helpless people in. I asked for a flat boat or something to transport the patients from the “marine hospital” over to the dining room.

Senator LANE. How deep was the water standing?

Miss Ross. I do not know; I wish you would call for that list of pictures and just satisfy yourself.

Senator LANE. How long did it stand on the grounds?

Miss Ross. That was there at that time; I judge when we took the pictures it had been there about 10 days.

The first of April Miss ——— was sent there, as I have said, and in about two or three days Mr. J. A. Nygren was appointed principal and reported at White Earth.

Senator LANE. Principal of the school?

Miss Ross. He was sent there as principal of the school.

Senator LANE. How many students were there at that school?

Miss Ross. I judge at that time there must have been about 35, possibly. I am only giving you an estimate.

Mr. Nygren was very energetic, and he tried to clean up the filth and dirt and to systematize things, and I stood by him loyally. Dr. Ballou stood by him loyally. He was a little indiscreet from the very day he got there. He got there in the morning, I think, and he had Miss ——— in his office most of the afternoon; and, of course, with the reputation that Pine Point had already it made just a little talk. When he had been there about a week there was considerable gossip. He would wrestle with Miss ——— in the dining room in the presence of people. One day, I recall, she took his piece of pie and ran out of the dining room with it, and he jumped from the table and ran after her and chased her across the campus, and caught her and shook her, and of course they talked about it.

Senator LANE. Was pie scarce there?

Miss Ross. Yes. At night Miss ——— stayed a good deal in the office. I am not saying there was a particle of harm in it, but it was injudicious and indiscreet in view of the reputation that Pine Point had acquired under the two previous principals. There was

an employee at the school as laundress—Mr. Chairman, I am going to ask that the names of these women that I mention be not put down in the report.

Senator LANE. Very well; their names will be left blank. The reporter will take them, however, for reference.

Miss Ross. There was an employee at the school—the laundress, Mrs. ————. She was a Sioux Indian. It seemed from what I heard that during the winter she and the policeman—husband of the teacher—had been quite intimate, and there had been a great deal of gossip and trouble around there. I knew nothing of it.

Mr. Nygren came in to me one morning when I was treating the patients, and he said that the night before he had had Mrs. ———— and Mr. Daydodge together and talked with them about the wrong of doing that kind of thing and bringing disgrace upon the school, and they had promised never to do another thing that could be criticized. He said he did not know why, but he felt constrained to go out on the campus about half an hour later, and ran right into them, about 11 o'clock, where they had a meeting. He came and told me about it, and I said: "Mr. Nygren, as your friend, I am going to tell you something. That lady has not a good reputation, and do be very careful. Do not give her any chance at all to call your name into anything."

About three days later I was treating the patients in the afternoon in the treating room, which just adjoined the office, and somebody was singing in the office. There was a man and a woman, and the door was open—somebody went through and went in and left it open—and Mrs. ———— was sitting on Mr. Nygren's desk, swinging her feet and singing, and Mr. Nygren sat here [indicating], and that went on, I think, for 15 or 20 minutes. A day or two later Mr. Nygren, Mrs. ————, and Miss ———— came into the dining room—the public dining room—and were seated for dinner, and during the progress of the meal the butter gave out. Mr. Nygren reached over to Mrs. ————'s plate and took her butter. She was seated here [indicating], he there, and I here. She reached over and grabbed his bread, and scraped the butter off, and put it in her mouth, and that caused quite a little comment.

A short time later—I beg your pardon, ladies and gentlemen, for retailing such stuff as this, for it is dreadful, but it is made use of later. Just two or three days later, one evening, the matron, whose room adjoined mine, was going out to develop some pictures, and Miss ———— came over and asked to write some letters in her room. She said all right. Miss ———— went over to the doctor's to develop pictures, and there were guests in the other room that talked and laughed and were having a good time. When it was pretty nearly 10 o'clock and time for me to go to bed, I went down stairs to get a pitcher of water, and the door was slightly ajar, and I saw it was Mr. Nygent and Miss ————. I did not say one word. I got my water, went on, and went to bed. They both left in a very few minutes.

The next day Miss ———— came into my room and asked me if I knew that Mr. Nygent was in her room the night before, and I said yes. She said that she saw an ink spot on her table, and asked Miss ———— how it got there, and she said Mr. Nygren upset the ink. She was very indignant, and said, "I will not tolerate that." So she

went to Mr. Nygent and told him not to ever again make her room a meeting place. She also went to Miss —— and told her. She told her, "You will get a bad reputation if you do it," and Miss —— said, "I don't care at all; he is the candy kid."

After this Dr. Ballou, one of his best friends, went to him privately and warned him to be discreet. He said, "The Indians and whites on the reservation are criticizing you. Be discreet and careful."

About May 1 Mrs. ——, who had been the matron at the school the year before, returned. One day we were doing an operation, a very critical one, on an eye. Dr. Ballou and myself, when Mr. Nygren and Miss —— went tearing through the operating room into the office and had a violent quarrel. I never heard anything like it; it was dreadful. We heard it, both of us, and the patient heard it, and the patient's sister, who sat there, heard it. We neither of us knew what the cause was. We both heard her say, "Why didn't you let me go when I wanted to? You hung around me then and would not let me go." We neither of us knew what it was about, and neither of us mentioned that.

In the afternoon Mr. Nygren came to my room and asked me if I had heard that, and I said yes. And I said, "Mr. Nygren, be careful. That does not reflect credit upon you for any woman to talk to you that way." Afterwards he went to see Dr. Ballou and asked him if he had heard it, and the doctor said yes. The doctor went over that afternoon to his office and begged him to be careful and not do anything that would cause trouble.

All this had taken place when Mr. Nygren had been at the school about six weeks. There came up another very, very painful thing. It seemed that Mrs. —— went to Mr. Nygren one morning—she was mess manager—and reproved him for being late at his meals. She said the cook would not stay if he did not come on time. He flew mad and said that Miss Ross or Dr. Ballou had put her up to that. She protested that he had not. We spoke to Mr. Nygren about it. She told the doctor, and we called Mr. Nygren in and talked to him. I did not believe it and neither did the doctor, but Mr. Nygren said yes, he said that.

The next day I heard, just on the campus, a voice say, "If you don't watch out you will get tarred and feathered, and run off the grounds, just as Mr. Nygren wants to do with Dr. Ballou and Miss Ross." I stepped to my window and said, Mrs. ——, I heard what you said. What did you mean by that?" She said yes she said that. I said, "That is all I wanted to ask of you." I knew who it was she spoke to. I went down to Allen Shepherd's room and I said, "Mr. Shepherd, I am going to ask you a question. Just, please, answer yes or no. Did you hear Mr. Nygren recommend or suggest that Dr. Ballou and I should be tarred and feathered, and run off the grounds?" and he said "yes." I said, "Are you two people the only ones that heard it?" He said, "No; he said it before —— and a clerk or laborer."

Even then I went and told the doctor about it, but we said nothing. We were amazed beyond words. We had been loyal to the letter to him, and could not realize why it should be done.

That afternoon Mrs. —— lightly threw that up to me. I was going downstairs. She said, "Is that you, Miss Ross? I thought

maybe you would be tarred and feathered by this time." And Mr. Nygren came running through the hall—I was looking over the bannisters—and grabbed her by the arm, and I never heard such a row. I never heard anything like it. Not only myself and every employée around there, but two Indians who were standing on the piazza heard it, and I heard her swear at him and tell him not to get so smart, that he was not taking up Miss _____'s dress at that time and taking her garters off, and a lot more stuff. She said, "You are not smoking with us now. Don't get so smart."

I was horror stricken. I never dreamed such a thing could happen. I went over to the doctor's house and sat down. Before that, I will say that Mr. Nygren, when she said that to him, never returned a word. He went out of that office and went out and sat on the stile, and there he sat.

I went over to the doctor's office and I said, "In spite of everything there is a scandale here," and I called _____ over to me and I said, "What did you mean by saying such a dreadful thing to Mr. Nygren?" She said, "It is the truth, and everybody here knows it." I am under oath, and I say that is the first time I had ever heard tell of that.

I wrote a little note to Maj. Howard, superintendent of the reservation, the next morning, and just simply said to him: "A scandal similar to that of last year is receiving comment at this school. As the superintendent, I feel that you should know it, in order to save the civil service any further disgrace at this place." And I signed my name. I heard nothing whatever from that, and the conditions went right on. Different employées would throw that same thing up to the superintendent.

In June _____ got sick, and I took her over to White Earth to the hospital. Mr. Nygren refused to allow her to go when the doctor pleaded to have her taken. I was to go East, and the woman would die without care—it was pneumonia. And with six Government horses on the ground doing nothing and two Government wagons—that is, road wagons—Mr. Nygren absolutely refused to allow a conveyance to be taken to take that desperately sick woman to the hospital. I finally hired a team——

Senator LANE. Would it be Mr. Nygren's place or the superintendent's?

Miss Ross. Mr. Nygren was in charge of that work, and when the doctor made a requisition he should have immediately done as he was asked.

Senator LANE. Was there a requisition made for a team for the doctor?

Miss Ross. Yes, sir; the doctor went to him time and again, and he said to him, "You go and hire a team, if you want to." I hired the team and started with that desperately sick woman to the hospital. When we had gone halfway I had to stop and take her out and let her lie down on the side of the road under a bush and give here a hypodermic, and I gave her whisky, and I thought "Certainly you are going to die here." But I went on with her. After a while she recovered somewhat, and I got her in the wagon and we started on.

When we were within 3 miles of White Earth she turned and said, "I can go no farther," and I had to get her out on the ground again; and I thought she would certainly die that time.

When I got her to the hospital at White Earth I was denied admission. They said she was having hemorrhages and she could not be admitted there. I said, "What shall I do? Shall I take this woman back?" They said she could not be admitted there. I said, "This hospital was put up at a cost of \$25,000 for tuberculous Indians on this reservation. Why can't she be admitted?" They said, "Because it is contagious, and they have decided they won't take anything contagious."

Senator LANE. How many miles did you travel in the wagon?

Miss ROSS. I drove here 35 miles in the wagon. It happened that Dr. J. N. Alley, superintendent of the National Tuberculosis Hospital at Fort Lapwai, Idaho, was visiting there. It just happened so, and I went to him and I went to Dr. Janney—Dr. Guizard was in charge and had refused me admission—and I said, "Something must be done." So they said after a while that I could let her stay all night, but she would have to be removed in the morning. Then I went to Dr. Alley and I said, "If this woman must be removed, you will have to take her to Fort Lapwai with you." The three doctors went up to examine her to see whether or not she could go to Fort Lapwai, and they came down and Dr. Alley said to me she would not live to get her as far as the station, 5 miles, and he doubted very much whether she would live through the night. One lung was completely flooded, and the heart was put to a tremendous strain, and she simply was having heart failure. They could not turn her out, and I stayed until she began to improve a bit. Then I went back to White Earth—I was going East. While I was there ———— told this smoking and garter tale that she had thrown up to the principal.

Senator LANE. This was the same woman?

Miss ROSS. This was the same woman.

When I got back to Pine Point I received a letter from Maj. Howard in response to my letter to him notifying him that a scandal was there a month before, and he asked me please to give him detailed information on which he could base an investigation. That very day I went to each individual employee on the grounds and said, "The major has asked me to send him a little statement. Have you heard of any scandal here?" "Yes." "Will you make a little statement, please?" Each employee made a little statement, and I sent that to the major in the return mail. I never heard anything from it.

I went East the 1st of July, and about the middle of July ———— sent an affidavit to me in regard to the thing. In August I returned to White Earth Reservation. I went over to Pine Point to get some supplies I had left there and was told that ————, the assistant laundress—I beg your pardon, ladies and gentlemen, for mentioning these things to you—that ————, a full-blood Indian girl, 18 years of age, had produced an abortion in her own room at the employees' quarters, that she had contracted blood poisoning following it and had to be taken into the school building and be operated upon to save her life; that she was then suffering from an acute attack of syphilis, and that she made the statement to the doctor and the nurse that she contracted both troubles right there on the school grounds.

In September I was told that ———— had gone to the doctor for an examination, and he had discovered that she was several months pregnant, and urged her to resign, and she did so, to take effect the 1st of October.

In October Miss ———— married. She married a young man whom she had met less than a month previous. They had to drive about 30 miles before they could get married, and half way that distance the father of the groom—the rector of the Episcopal church—called them up. That is, he called up the half-way house and had them stopped when they got there and begged his son not to marry the girl; that it was reported she was pregnant, and they called the doctor 15 miles to make an examination, and he made an examination and begged them not to get married then, to wait a while and let nature tell its own story. He told me he said, "She will be a mother."

Mrs. ————, the teacher, had in the meantime resigned. She had contemplated doing so for six months. Maj. Howard recommended the reinstatement of ————, who had resigned because of illegitimate pregnancy, and he also recommended the reinstatement of ————. I here submit exhibit No. 4 in proof of my statements.

I beg your pardon; I have missed one. Mr. Sells accuses me of maliciously trying to assassinate the character of Mr. Nygren. He says that I wrote a letter to my chief and sustained Mr. Nygren, and that when I heard of his wanting us to be tarred and feathered I tried in revenge to ruin the man, which is very wrong. This is the letter, exhibit No. 5, to which Mr. Sells refers:

(The secretary to the joint commission read as follows:)

EXHIBIT No. 4.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., May 6, 1913.

DR. JOSEPH A. MURPHY,
Denver, Colo.

DEAR SIR: Your letter of April 30 is just received, and in accordance with your instructions will report weekly on my work at this place. There is no end to the work needed in this locality, but every move is uphill and in the face of opposition, so that little is accomplished.

Mr. J. A. Nygren has been appointed principal at this place, and the farmer who has served in that capacity all winter has been relieved from the school work. Mr. Nygren is cooperating with Dr. Ballou and allows him the use of one of the rooms upstairs for patients who come here for treatment.

We have at present six patients; two are totally blind, and the others are in bad shape. One case was operated for cataract last week and is doing very well, considering the fact that he is above 90 years of age.

To-day we did an iridectomy on an old woman above 90 years old. I think it is a success.

One patient, female, is under treatment for mitral and aortic regurgitation. She has poor vision, due to double pterygium, which will be removed in a short time. It is quite a task to care for cases such as these, but the matron and new field matron render all the assistance needed, and the work goes along very nicely.

Under Dr. Nygren the school is taking on new life; 40 children are in attendance, all of whom are under daily treatment for trachoma, and about 15 are getting cod-liver oil three times a day. I have weighed all the children twice since I returned here and have taken the temperatures twice a day for a week each month.

A few of the children have gained in weight during the month, but all who have run a high temperature have lost in weight. Two boys lost 4 pounds each during the month, and yet I am unable to keep the children who are running high temperatures and losing in weight from being detailed to work in the laundry.

The matron, who was sent here last December, tells me that at White Earth Maj. Howard instructed her to assist Dr. Ballou in every way she could, but when she got to Pine Point Mr. Ellis told her that she was not to assist Dr. Ballou in any way whatever; that Maj. Howard had left explicit orders in regard to that. She says that Mrs. Fowler was kept here during the time of her vacation to watch her and see that she did not assist the doctor. That explains many of the difficulties here. Miss Higley has cooperated in every way possible and renders very efficient service since Mr. Nygren came here. No team has been allowed the doctor thus far, and when Mr. Nygren came here he was told by Mr. Ellis not to allow Dr. Ballou to use the school team.

Several adult Indians have asked to come in for operations, and we hope to do more in the next month than we have done thus far.

Very sincerely,

(Signed)

LUCRETIA T. ROSS,
Supervising Nurse.

Miss Ross. Now, I had made this statement that Maj. Howard recommended the reinstatement of these two women that he knew were immoral. Mr. Sells in his letter to me says, "Knowing as you did the immoral character of that woman, when Mr. Nygren asked her resignation you came to her rescue, though you knew so much about it." I now submit the resignations of these two women, with my notations thereon. I said, and emphatically say, I never did such a thing.

(The secretary to the joint commission read as follows:)

EXHIBIT No. 6.

PINE POINT BOARDING SCHOOL,
Ponsford, Minn., September 9, 1913.

Maj. JOHN R. HOWARD,
White Earth Agency, White Earth, Minn.

DEAR SIR: I hereby tender my resignation as laundress at the Pine Point Boarding School to take effect the 30th of September, 1913.

Very respectfully,

(Signed) _____

Respectfully forwarded to the Commissioner of Indian Affairs with the recommendation that this resignation be accepted and that should Mrs. _____ care to reenter the service at some future time that her application for reinstatement be given consideration. I have no one to recommend at the present time to succeed Mrs. _____ in the position of laundress at the Pine Point School.

Very respectfully,

(Signed)

JOHN R. HOWARD,
Superintendent.

This case is referred to as Exhibit C in the letter which I sent to Mr. Brosius November 7, 1913.

The major recommended this vile woman for reinstatement, fully aware of the fact that she was having to resign to give birth to an illegitimate child. These characters are the example that has been afforded the full-blood Indians at Pine Point and will again drag down a degraded people just as soon as nature will allow her to return to the service. In the name of decency I protest against the Indian Service being made a dumping place for immoral characters.

LUCRETIA T. ROSS.

PINE POINT BOARDING SCHOOL,
Ponsford, Minn., September 15, 1913.

HON. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

(Through Maj. John R. Howard, superintendent, White Earth Agency.)

SIR: I hereby tender my resignation as teacher at the Pine Point School to take effect September 30, 1913.

Very respectfully,

(Signed) _____

Respectfully forwarded to the Commissioner of Indian Affairs with the recommendation that same be accepted, and should Mrs. _____ at any time in the future make application for reinstatement in the service I recommend that her application be given consideration. I have no one to recommend as a successor to Mrs. _____, and I request that the vacancy be filled immediately by your office.

Respectfully,

(Signed) JOHN R. HOWARD,
Superintendent.

Three years ago _____ (white, 35 years) was employed as teacher at Pine Point. She was accused of gross immorality with one of the pupils, Charles Daydodge. The situation was so scandalous that she was forced to resign. Afterwards the boy married her.

A year later Louis Page, principal, recommended her reinstatement and she was again employed as the teacher. As a teacher she is an absolute failure, and every Indian on the reservation knows her as a degraded woman. This white woman is recommended for reinstatement by Maj. Howard.

Senator LANE. Did you send that in to Mr. Sells?

Miss Ross. No; all in the world that I did, in writing a letter to Mr. Brosius I mentioned the fact that they were recommended and asked him to look it up.

Senator LANE. This note was put on—

Miss Ross. In my letter to Mr. Brosius. Let me say right here that when that resignation went in the financial clerk in the office, or one of the head clerks in the office, Miss _____, was present, and she begged Maj. Howard not to recommend that woman again and told him why, and he said she was no worse than any other Indian. The assistant superintendent was there, and he heard it. And when Special Agent Christie went there they were put under oath, and they both told that. And yet Mr. Sells in his letter to me takes up that fact and says, "You say that afterwards Maj. Howard was asked not to recommend her, and it is not the truth."

He said he had nobody to recommend as Mrs. _____ successor, and so he appointed Mrs. _____ to the position of laundress in the school. _____ had been the children's cook at the school the year before and was accused of contributing to the delinquency of girls in the village and was asked to resign because of pregnancy, and her illegitimate child was born about four months after she left the school, and Maj. Howard filled the appointment vacated by _____ by this woman. At the same time she was living with the man that was acting as disciplinarian at Pine Point in open adultery.

Senator LANE. At the time she was appointed?

Miss Ross. Yes.

Senator LANE. When did this happen?

Miss Ross. That all happened last October and November. In October I sent these papers to Mr. Lovett, who was coming to Washington. He was the assistant superintendent. I said, "Hand them to Mr. Sells. He will certainly give the full-blood Indians some

better example than that." They did not reach Mr. Lovett until after his return to White Earth, and they were returned to me again. And I thought, "I wonder if it will ever be possible to give those poor souls anything better than that." So, November 7 I rolled up the roll of papers, and I wrote a letter accompanying them, and I sent them to the Indian Rights' Association, to Mr. Brosius, and I asked him, "Will you take these to the commissioner? It is the last desperate way to remedy these awful conditions, and I hope that humanity and not political expediency will prevail in this case."

I hereby offer Exhibit No. 5. Now, these statements from the employees that I had sent the major in June preceding are here.

(The secretary to the joint commission read as follows:)

EXHIBIT No. 5.

NOVEMBER 11, 1913.

HON. CATO SELLS,

Commissioner of Indian Affairs.

MY DEAR COMMISSIONER: In regard to the statements which I made to you on yesterday affecting the management of the White Earth Indian Agency, Minn., I will state referred to alleged conditions at Pine Point Indian School, which is under the care of the superintendent of White Earth.

I am citing herein statements contained in a letter dated November 7, 1913, received from Mrs. Lucretia T. Ross, supervising nurse, United States Indian Service. I also inclose signed statements and affidavits referred to as exhibits numbered from A to G, inclusive. The statements given herein, both by Mrs. Ross and myself, are based upon information and belief only and submitted to you for investigation with a desire for the betterment of conditions in the Indian Service.

Miss Ross says:

"N. B. Hurr was principal at Pine Point three years ago and while acting in that capacity took a white prostitute into his home and lived with her, his wife meanwhile living in adultery with any man who presented himself, lying out with several of the boy pupils at a time. He and his wife were divorced finally, and he married the prostitute with whom he had been living.

"Hurr was succeeded by Lonis Page as principal, and was accused of adultery with the matron, Mrs. ————. One year ago Page left the school with her and lived with her for quite a while; afterwards went back to live with his wife and little child.

"After Page left the school (which happened while I was there), C. M. Ellis, expert farmer, acted as principal during the winter of 1912-13, and during that time the school was a hotbed of gambling and other vices. The boys, large and small, with Indians from the village, openly beat the tombe and gambled in the school building day and night.

"They put out their money and gambled without fear or hindrance in the room adjoining the office of the principal. So pernicious did it become that Rev. George Smith, full-blood Indian, went to Dr. James Ballou and asked him to use his influence to have the gambling in the school building discontinued.

"In April, 1913, J. A. Nygren was appointed principal at Pine Point. I have marked the inclosed papers Exhibits A, B, etc., and will refer to them in that way.

"Remember that I secured these papers at the request of Maj. Howard, sent them to him, and expected that he would take some action."

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE, WHITE EARTH AGENCY,
White Earth, Minn., June 21, 1913.

MRS. LUCRETIA C. ROSS,

*Supervising Nurse, United States Indian Service,**Ponsford, Minn.*

DEAR MADAM: Your favor of recent date, informing me "that a scandal of the same type as that of last year is receiving a great deal of comment at this

school" was the day following its receipt at this office forwarded to J. A. Nygren, principal of the Pine Point School, with request that he make a thorough investigation of this and forward me a report with return of inclosures.

Mr. Nygren in his report states that he has no knowledge of a scandal transpiring at the Pine Point Boarding School.

Will you please give me more detailed information as to the matter or matters referred to in your letter, to enable me to give this a personal investigation?

Very respectfully,

(Signed) JOHN R. HOWARD,
Supt. and Spl. Disb. Agent.

"A scandal of the same type as that last year' would mean that the principal and matron were accused of improper conduct, yet Maj. Howard sent my letter to the principal for investigation—set the man to investigate his own conduct. After a month has elapsed he asks me to send him detailed information. All this time he was only 35 miles away and could have reached the place in one day."

EXHIBIT B.

Letter accompanying statement from employees, sent to Maj. Howard:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., June 25, 1913.

Maj. JOHN R. HOWARD,
White Earth, Minn.

DEAR SIR: I have your letter of June 21, relative to the letter which I wrote to you some time ago in which I told you that a scandal of the same type as that of last year was receiving a great deal of comment at this school.

You say you forwarded my letter to Mr. Nygren with a request that he make an investigation and report to you, and that he reports that he has no knowledge of a scandal transpiring at the Pine Point Boarding School.

As you ask for more detailed information, I am sending to you the inclosed statements.

Mrs. ———, who was matron at this school last year is leaving Ponsford for Oneida, Wis., tomorrow.

Mrs. ——— is leaving for a couple of months at the same time, so I am sending you their statements.

I greatly regret that this unfortunate state of affairs exists, but felt that you should know it in time to save the service any further scandal at this place.

Very respectfully,

(Signed) LUCRETIA T. ROSS,
Supervising Nurse.

EXHIBIT C.

Sworn statement of ———, laundress of Pine Point School.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., July 14, 1913.

Statement of Mrs. ——— regarding the conduct of J. A. Nygren of the Pine Point School.

One Wednesday morning in May one of my laundry boys and myself took a basket of clothes to the girls' building and as we went upstairs I called to the girls and asked where Miss ——— was, and Mr. Nygren answered from her room and said, "Oh, come in and behave yourself." I excused the boy and went in. Mr. Nygren was sitting on Miss ——— bed and she was standing by the table. She told me to sit down and I sat on her trunk, and we visited quite a while, and he said, "Well, I will have to go and take care of the mail for it is mail time," and then he said to me, "Mrs. ———, you better get to work," and so I said, "No; you have been visiting quite a while and I am going to visit now," and then he took me by the arm and pulled me out of the room, and then he told Miss ——— to go to work, and she refused, and then I heard them scuffling and I saw him push her out of the room. He then came out, helped

me to carry the basket of clothes to the clothing room. All the time Miss _____ was picking at him. In the clothing room they got to wrestling, and he said, "If you don't leave me alone I will unclasp your supporters," but she kept teasing him anyway, and he crawled under the table and caught her and threw her on the table where they kept some blankets, and then he pulled up her dress and unclasped her supporters. She got off the table and said, "Oh, you dirty, nasty thing." All this time I was sitting on a box watching them, and I said, "Well, I'm going to get out of here," and then he said, "Why didn't you help me, Mrs. _____?" and tried to push me over and Miss _____ tried to pull him away, and he grabbed her and threw her on my lap, then I pushed her away, took my basket, and went out, Mr. Nygren following me, and he helped me to carry the basket to the laundry.

One Saturday in May I went to Miss _____'s room. Mr. Nygren was there lounging on the bed smoking a pipe and she was sitting on the table. Presently Miss _____ asked Mr. Nygren to let her smoke his pipe, and he said, "Oh, no, girlie, you don't want to smoke my pipe," but she insisted that she did. Mr. Nygren said I had some cigarette papers in my room and for me to go and get them. I went for them and when I returned Miss _____ took the tobacco from Mr. Nygren and made a cigarette and gave the tobacco to me and I made one; then we lighted them and smoked. About the time we had finished smoking the dinner bell rang and Mr. Nygren suggested that we return after dinner for another "dessert," meaning a cigarette. The next morning (Sunday) I went to Miss _____'s room again and found Mr. Nygren and Mrs. _____ there. Mr. Nygren lay on the bed smoking a pipe, and he gave us tobacco for cigarettes. Miss _____ and I rolled ours, but as Mrs. _____ did not know how Mr. Nygren rolled one for her and we all smoked.

(Signed) _____

Subscribed and sworn to before me, a notary public for Becker County, Minn. My commission expires September 24, 1913.

(Signed)

J. W. NUNN.

"This woman was divorced by her husband for immorality two years ago, and her conduct at the school has been immoral in the extreme. She deliberately enticed (?) Charles Daydodge, policeman at the school and husband of the teacher.

"(The teacher was dismissed because of immorality two years before, but afterwards married the boy, who was her pupil, and at the request of Louis Page she was employed again as teacher at the school.)

"In April and May, 1913, Mrs. _____ and Mrs. _____ had the most scandalous quarrels out on the campus in the hearing of the pupils and employees, in which they called each other vile names.

"Mrs. _____ resigned from the service October 1, 1913. She is now living with an Indian at Pine Point and expects to become a mother in a few months.

"I told Mr. Nygren _____'s reputation and advised him to be very careful in his relations with her. He deliberately chose her intimate society and told her that I had warned him to be careful."

EXHIBIT D.

Statement from Dr. Ballou, who in friendship urged Mr. Nygren to be discreet, as the Indians and whites were criticizing him:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., June 25, 1913.

To whom it may concern:

Soon after Mr. J. A. Nygren came to the Pine Point School some of the reservation Indians asked me if he had Miss _____ in his office a great deal of the time. I told them that I knew nothing about the office; that I was kept busy with my duties.

I immediately told Mr. Nygren that there was danger of a gossip getting started and advised that he be very careful to avoid anything that would give the slightest suggestion that he was partial to any lady employee.

Later I was again asked about it, and again I confidentially advised Mr. Nygren to be careful.

One day, while doing a very delicate operation on an eye, Mr. Nygren and Miss _____ went through the operating room into the office, which was adjoining. There they had quite a violent argument, in which I heard Miss _____ say, "Why didn't you let me go when I wanted to; then you hung around me and would not let me go."

I have heard numerous reports from the school employees and also from those who are not connected with the school regarding Mr. Nygren and Miss _____, but have discouraged it as much as I could.

(Signed) JAMES L. BALLOU, M. D.,
Agency Physician.

EXHIBIT E.

Statement of Mrs. _____, former matron at Pine Point School.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., June 24, 1913.

To whom it may concern:

This is to certify that one Sunday morning in May Miss _____ invited me to her room, and I went.

Mr. Nygren came in presently, and afterward Mrs. _____, Mr. Nygren lay on Miss _____'s bed, and during the course of our conversation he gave us tobacco for cigarettes.

Mrs. _____ and Miss _____ rolled theirs, but as I did not know how to roll a cigarette, Mr. Nygren rolled one for me; we then smoked them together.

Miss _____ told me that one day Mr. Nygren and Mrs. _____ put her on a pile of blankets and Mr. Nygren raised her dress and unfastened her supporters. She said she was angry and Mr. Nygren afterward apologized for it.

This is a matter of public comment at this school and in this vicinity.

(Signed) _____.

"This woman was accused of adultery with Louis Page, principal, a few months previous to this time, and when she left the school went and lived with Page as his wife.

"Mr. Nygren knew all this and deliberately sought her society."

EXHIBIT F.

Statement of Mrs. _____, former seamstress, now matron of school. An Oneida Indian of good reputation. The matron, a white woman who has recently transferred to Greenwood, S. Dak.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., June 25, 1913.

To whom it may concern:

This is to certify that I and my detail of girls, _____, _____, _____, _____, and _____, were at work in the sewing room one morning in May. In the dormitory adjoining were Mrs. _____, Miss _____, and Mr. Nygren.

Mr. Nygren and Miss _____ were scuffling and the sewing-room girls went to the door and looked at them. I told the girls to close the door, and then Mr. Nygren and Miss _____ scuffled along to the clothing room.

We did not hear anything further until Mrs. _____ said, "I am going to get out of here." They both followed her as she went out, and Miss _____ said, "Oh, you dirty thing!" Then Mr. Nygren said to Mrs. _____, "Why didn't you help me?"

Mr. Nygren and Miss _____ then laughed and scuffled in the dormitory for a short time, after which Mrs. _____ and Mr. Nygren went down to the laundry.

I have heard it commented upon at the school that Miss _____ was frequently in the office and that Mr. Nygren was often in her room.

I have also heard that Mr. Nygren lay on the bed in Miss _____'s room, and that he smoked cigarettes with Mrs. _____, Mrs. _____, and Miss _____. Have also heard it reported that Mr. Nygren one day put Miss _____ on a pile of blankets and unfastened her hose supporters.

(Signed) _____,

Scamsstress, Pine Point Indian School.

EXHIBIT G.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., June 25, 1913.

To whom it may concern:

Mr. J. A. Nygren entered on duty as principal of the Pine Point School the first week in April, and in less than two weeks was criticized by employees and others because of his conduct with Miss _____, such as wrestling in the dining room and on the campus, and keeping her in the office a great deal of the time.

One night after 11 o'clock Miss Ross called me and said that some man was watching Mr. Nygren's office. I dressed and went down to the office to tell him, and found Miss _____ there with him. I told him that he was being watched and then went back to my room.

A short time later he escorted Miss _____ to the building where she was in charge of the girls.

About the same time Miss _____ came to my room to write letters, and I was going out for a while in the evening; she remained, but when I returned she had gone to her building. The next day I learned that Mr. Nygren had spent the time in my room with her.

I explained to Mr. Nygren and also to Miss _____ that I would not have any more company nor meetings of any kind in my room, as I did not want my name associated with any talk that might follow.

I have heard the comments relative to Mr. Nygren raising Miss _____'s dress and unfastening her hose supporters, also that he spent a Sunday morning smoking with her and Mrs. _____ and Mrs. _____.

(Signed) _____,

Matron Pine Point Indian School.

"_____ was detailed as assistant matron at the school in April, 1913; she is a mixed-blood Indian, 23 years old, and is of very unsavory reputation. She was in the office with Mr. Nygren almost day and night. My room while at the school was over the office, and at night they would wrestle until it seemed they would knock things to pieces.

"The first week in October, 1913, she was married to a young man whom she had known less than a month. The day of the marriage her husband was told that she was reported pregnant; he sent for a physician and they demanded an examination. She will be a mother in the course of a few months.

"All this is known to the pupils as well as the adult Indians.

"_____, assistant laundress at Pine Point School, full-blood Indian, 18 years of age, produced an abortion in her room at the employees' building in August, 1913; she had blood poisoning following it and was taken into the school building for an operation to save her life. At the same time she was suffering from an acute attack of syphilis.

"She later resigned from the school.

"_____, the present laundress at the Pine Point School, was children's cook at that place last year; she was accused of contributing to the delinquency of girls in the village and was dismissed because of pregnancy. Her illegitimate child was born in a short time afterwards.

"She is a low, immoral woman and is accused of living in adultery with the man who is acting as disciplinarian at the school now.

"This is the moral atmosphere that is furnished the full-blood Indians at Pine Point by the United States Indian Service. The people of that section are low and immoral, drunken, and debauched in every way.

"They are blinded and fearfully afflicted with trachoma, and the ravages of tuberculosis is carrying them off rapidly.

"In the name of common humanity let us arouse and seek to give them a better example, give them a chance to become something better than the Indian Service has thus far given them.

"I am sure that Mr. Sells will do all in his power to remedy this condition when he knows of it."

Trusting that the foregoing will receive your early and very careful consideration,

Very cordially,

(Signed) S. M. BROSIUS,
Agent Indian Rights Association.

Miss Ross. I wish to say right now that I hope you noted in every one of those statements that they recounted that garter episode and the smoking. Mr. Sells says that was never submitted to Maj. Howard and he never knew of it, and that I did it to assassinate a man's character.

Senator LANE. These statements were submitted, however, to Maj. Howard?

Miss Ross. Every one of them but the one that —— sent. She was a patient in the hospital and told it there. She sent it forward, and every employee that made the statement told that they had heard the same thing. I never had heard it in my life until I had heard it in that quarrel the night before I notified the major.

Senator LANE. It seemed to be, then, you think, a matter of common rumor?

Miss Ross. Oh, the statements, I think, certainly indicated that it was. They all said they had heard it.

On the receipt of these communications by Mr. Sells he suspended Mr. Nygren as principal and sent Special Agent Christie to White Earth to make an investigation. Mr. Christie went to White Earth and went to Maj. Howard's home as his guest. He thereby disqualified himself for making an impartial examination, and the Indian Service rules expressly prohibit such a thing.

April 18 I received a letter from Mr. Sells, and I offer it as Exhibit 7.

(The secretary to the joint commission read as follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 18, 1914.

MISS LUCRETIA T. ROSS,
Salt Lake City, Utah.

MADAM: Thorough consideration has been given to your charges against Mr. J. A. Nygren, the principal of the Pine Point School. A very full and complete investigation was made by Special Agent Christie, and it appears from the report and the evidence secured that Mr. Nygren was not guilty of any moral turpitude or wrongdoing, as charged by you.

It appears that about May 24, 1913, Mr. Nygren had a dispute with Mrs. ——, who was then mess manager. Mrs. —— called him to task for arriving late at his meals. He remarked to Mrs. —— that he supposed Miss Ross and Dr. Ballou had put her up to making the complaint, and later said to the carpenter, with whom he was working, that persons who interfered with him in his efforts to clean up Pine Point should be tarred and feathered and driven off the grounds. Mrs. —— repeated this to you in such a way that you received the impression that Mr. Nygren had said that you and Dr. Ballou should be tarred and feathered and run off the grounds.

The next day you wrote to Maj. Howard, superintendent of the White Earth Reservation, calling his attention to the existence of a scandal at Pine Point and suggesting that he make an investigation. Later, you said to Mr. Christie that the tar-and-feather incident was what made you change your attitude

toward Mr. Nygren. You also said you would not forgive him in 10 years, although the principal apologized, which you yourself admitted.

The evidence shows that on May 6, 1913, you addressed a letter to Dr. Murphy in which you approved of Mr. Nygren, this letter being dated several weeks subsequently to the occurrence of the events which you afterwards assigned as the reasons for your charges. It is also shown that the entire case against Mr. Nygren is predicated upon the evidence of Mrs. ———, whom you yourself allege to have been grossly immoral. You also allege that ———, ———, and ——— are grossly immoral, and in each case you give an outline of the women's character. The statements of these three persons, together with that of Mrs. ———, were transmitted by you to Supt. Howard in support of your charges.

It appears from the record that you deliberately preferred charges against Mr. Nygren with a view to securing revenge on him for his attitude toward you at the time Mrs. ——— spoke to him about coming to his meals late. It is also shown that you placed a distorted version upon the statement of Miss ———, which was overheard by Dr. Ballou, even though Dr. Ballou, who heard this statement as well as some of the remarks preceding it, informed you that Mr. Nygren was reprimanding Miss ——— for inattention to her duties.

It is also shown that you asked Dr. Ballou to prepare his statement, and it was typewritten from manuscript, but that you made some slight additions and changed the phraseology somewhat, although it appears that Dr. Ballou gave you permission to do this.

Your charges did not reach the office until November, 1913, six months after you made your complaint to Supt. Howard, and you had ample opportunity to ascertain that conditions were steadily improving at the school and that no scandal had come to the surface in all that time. In spite of this fact and the further fact that your charges were based upon the evidence of a woman you yourself alleged to be grossly immoral, you persisted in pushing your charges.

It also appears that you had previously warned Mr. Nygren about Mrs. ———, telling him what you knew about her reputation, and you also told Mrs. ——— to pay no attention to anything Mrs. ——— said.

Although your charges against Mr. Nygren were made in the interests of decency and right living, yet when Mrs. ——— resignation, on account of immorality, was requested by Mr. Nygren, you came to her aid, even though you knew so much about her character, as shown by your warning to Mr. Nygren and your advice to Mrs. ———.

The hose-supporter incident, which played such an important part in the case against Mr. Nygren, was never submitted to Superintendent Howard. It was first told verbally to Miss ——— and yourself, taken stenographically by Mrs. Jessie K. Janney, and afterwards put into the hands of Mr. Lovett, assistant superintendent, every one of whom is unfriendly to Superintendent Howard. Yet you stated to the special agent that all of the papers were sent to Maj. Howard.

In your letter to Mr. Brosius of December 9, you say: "I have in my possession a copy of a letter written by Mrs. ——— to Maj. Howard September 30, 1913." Later, when Mrs. ——— resigned because of pregnancy (illegitimate) Maj. Howard recommended her resignation in the Indian Service, although he was urged not to do so. A copy of Mrs. ———'s resignation with Maj. Howard's notation is dated September 9, and your statement that the superintendent was later urged, etc., is untrue.

Mrs. ——— states that you tried to persuade her to sign a paper or petition about something she knew nothing about.

You charge that Miss ———, with whom Mr. Nygren was accused of being unduly familiar, married a man after a few months' acquaintance, and that on the day of her marriage it was alleged that she was pregnant, and her husband demanded an explanation. Dr. Ballou, who examined her, refused to testify, yet you did not hesitate to say, "She will be a mother in the course of a few months."

It is shown that in your telegram to Dr. Murphy you misrepresented conditions at the Pine Point Hospital by saying "18 patients in hospital," when it is shown that there were only 2 patients in the hospital, and 16 called every day for treatment for trachoma.

You state that ——— was detailed as assistant matron at the school in April, 1913; that she is a mixed-blood Indian, 23 years old, and of very

unsavory reputation. You state she was in the office with Mr. Nygren almost day and night; that your room while at the school was over the office; and that at night they would wrestle until it seemed that they would knock things to pieces. It is shown by the evidence that Miss ——— was at the office only on infrequent occasions, and there is nothing in the evidence to show that these visits to the office were not entirely proper in every respect. It is shown that for quite a period the watchman slept in the office, and the noise which you alleged was caused by the principal and the assistant matron wrestling was probably caused by the setting up of a folding cot upon which the watchman slept.

You stated to Mr. Christie that before Mr. Brosius submitted the papers in this case to the Commissioner of Indian Affairs he obtained from the commissioner the promise that no one in the Indian Service would suffer because of furnishing the information contained in the papers. While I told Mr. Brosius, and will tell anyone else, that he will be protected in furnishing information, it must be the truth, and if mistaken it must be in good faith.

It appears that some time in November, 1913, while you, Dr. Shoemaker, and Dr. Polk Richards were at the Lac du Flambeau School, an Indian by the name of Guyette fell under a moving train at a station south of Lac du Flambeau, receiving a badly crushed foot, and was brought to the school hospital for treatment. Upon the arrival of the patient at the hospital it became evident to the surgeons present that an amputation would be necessary. With the presence of Dr. Shoemaker, Dr. Richards, and yourself, together with Dr. Pinch, the school physician, it would appear that sufficient professional aid could have been rendered this Indian. However, you declined to nurse the case, for the reason, as you stated, that you were supposed to do only eye work. Upon your refusal the doctors were unable to proceed, as no other nurse was available locally, and the patient was therefore sent to the hospital at Rhinelander, where the operation was performed by Dr. T. P. McIndoe, thus causing an unnecessary delay in securing for this Indian the attention that was urgent, probably prolonging his suffering, to say nothing of the surgeon's expenses and hospital fees to which the office was subjected.

You are directed to make proper explanations in the cases mentioned herein, and 10 days from the receipt of this letter will be given you for the purpose of preparing your reply, showing cause why you should not be dismissed from the service or reduced in salary, as the entire record may seem to require.

Respectfully,

(Signed)

CATO SELLS,
Commissioner.

Senator LANE. What was the date of that letter?

Mr. KEATING. This was dated April 8, 1914.

Miss ROSS. On April 22 I replied, and my reply is exhibit No. 8.

Senator TOWNSEND. That is in answer to the letter of the commissioner?

Miss ROSS. Yes.

(The secretary to the joint commission read as follows:)

EXHIBIT NO. 8.

SALT LAKE CITY, UTAH, April 22, 1914.

The Honorable COMMISSIONER OF INDIAN AFFAIRS,

Washington, D. C.

SIR: Your letter of April 8 is at hand and I have the honor to reply to the following:

"My Nygren was not guilty of any moral turpitude or wrongdoing as charged by you."

Mr. Nygren was not charged by me personally with moral turpitude or wrongdoing, as I simply informed Maj. Howard that a scandal similar to that of last year was rife at the school, saying that as superintendent he should know it in order to save the service any further disgrace at that place. That I was amply justified in bringing the matter to the attention of the superintendent was borne out by the statements of the various employees at the school.

"Relative to remark of Mr. Nygren that Dr. Ballou and Miss Ross ought to be tarred and feathered and run off the grounds," which remark was made in the presence of ———, Allen Shepherd, Clark, and ———, and

which was afterward confirmed to Dr. Ballou and myself in the presence of Mrs. Ballou, will state that I asked him why he made such a remark, and he replied that he did not know, that he just flew mad and said it. He further said I am sorry for it, it was the remark of a dog. He said he knew that we had supported him and asked us to continue to counsel with and support him. So far as I was concerned this closed the incident until brought to my attention by Special Agent Christie, at New Richmond, Ohio. At the time of his visit I was convalescing from a severe illness and was unable to speak above a whisper.

My honest recollection of this part of the conversation is "that occurrence was so dreadful that I have tried to forget all about it and never want to think of it again." I hope that Special Agent Christie, when his memory is refreshed, will do me the justice to confirm this.

My letter to Dr. Murphy, dated May 6, 1913, was relative to the building up of the school by Mr. Nygren, who had only taken charge about a month previous and did not refer to the scandal which was then in its incipiency, as such matters do not come under the jurisdiction of Dr. Murphy. At the request of Maj. Howard (see Exhibit A, Nov. 11, 1913), whose business it was to investigate such matters, I sent to him statements from the following persons, together with a letter of transmission from myself:

- Exhibit B. Letter of transmission
- Exhibit D. Letter from Dr. Ballou.
- Exhibit E. Letter from Mrs. _____.
- Exhibit F. Letter from Mrs. _____.
- Exhibit G. Letter from Miss _____.

Mrs. _____ (Exhibit C) was at that time a patient at the White Earth Hospital and verbally reported the condition of affairs at Pine Point School to several persons. After she was dismissed from the hospital she returned to Pine Point and there wrote out her own statement, took it to a notary public and swore to it, and then had it forwarded to me. I took the precaution of keeping copies of all the papers in order to intelligently protect myself if the necessity arose.

I consider that immoral characters who are good enough to be kept in the Indian Service are good enough to make a statement in regard to conditions where they are employed.

"It appears from the records that you deliberately preferred charges against Mr. Nygren with a view to securing revenge on him for his attitude toward you at the time Mrs. _____ spoke to him about coming into his meals late."

In answer to this will state that it is impossible for me to comprehend your inference in this instance, since the record show (see Exhibit B) that at the request of Maj. Howard I secured the statements and sent them to him for investigation.

"It is also shown that you placed a distorted version upon statement of Miss _____, which was overheard by Dr. Ballou, even though Dr. Ballou, who heard this statement as well as some of the remarks preceding it, informed you that Mr. Nygren was reprimanding Miss _____ for inattention to her duties."

Again I state that I am unable to comprehend your inferences in this particular, since Dr. Ballou and I were at work performing a surgical operation on the eye of a patient at the time the quarrel took place. Dr. Ballou and I both heard the remarks, but neither of us knew the reason for them until Mr. Nygren later came to my room and asked me if I heard the remarks. I said yes, and he replied, "She was mad because I did not want her to go to a ball game with me at Osage, Minn."

Dr. Ballou at no time made any remark to me as you credit him with making, and his signed statement does not indicate any such thing.

"It also is shown that you asked Dr. Ballou to prepare his statement, and it was typewritten from manuscript, but that you made some slight additions and changed the phraseology somewhat, although it appears that Dr. Ballou gave you permission to do this."

It does not appear to me necessary to make any explanation to this, since the slight addition (Physician, Pine Point School) under his signature was made with Dr. Ballou's consent.

"Your charges did not reach the office until November, 1913, six months after you made your complaint to Supt. Howard, and you had ample opportunity to ascertain that conditions were steadily improving at the school, and no scandal

had come to the surface in all that time. In spite of this fact and the further facts that your charges were based upon the evidence of a woman whom you yourself alleged to be grossly immoral, you persisted in pushing your charges."

I fail to see how conditions could be considered improving and that no scandal had come to the surface in all that time (May to November), since in August the assistant laundress, _____, had produced an abortion in her room at the school; the laundress, _____, had resigned September 9, to take effect October 1, because of pregnancy; the position of laundress had been filled by an immoral woman, _____, who was reported living with the acting disciplinarian at the school; and the teacher and policeman of the school, husband and wife, separated because of his connection with the laundress; the girls' matron _____, accused of pregnancy and on the day of her marriage stopped halfway to Detroit while her husband called a physician 15 miles to examine her.

If that means that conditions were steadily improving, then I confess I do not know what constitutes immorality.

"When Mrs. _____'s resignation was requested by Mr. Nygren, you came to her aid, even though you knew so much about her character, as shown by your warning to Mr. Nygren and advice to Mrs. _____."

Please examine the records and indicate to me in what manner or at what time I ever went to the aid of Mrs. _____. I emphatically say that I never did. When she was ill in July I took her to a hospital for care, just as I would any poor creature who needed medical attention, but I strongly protested against her retention in the Indian Service.

The hose-supporter incident, you say, was never reported to Maj. Howard. Please carefully read exhibits which were submitted to Maj. Howard, and each one of which refers to that incident; especially read Exhibit E in regard to that.

"A copy of Mrs. _____ resignation with Maj. Howard's notation is dated September 9, and your statement that the superintendent was later urged, etc., is untrue."

I can have sent to you an affidavit from _____ that she, in the presence of another person, urged him not to recommend her reinstatement and gave as her reason that pregnancy was the cause of her resignation and my statement is true.

"Mrs. _____ states that you tried to persuade her to sign a paper or petition she knew nothing about."

I did not ask her to sign a petition, but simply asked her, in common with other employees, if she had heard any scandal. She said no; and this ended the matter.

"You charge that Miss _____, with whom Mr. Nygren was accused of being unduly familiar, married a man after a few months acquaintance and that on the day of her marriage it was alleged that she was pregnant and her husband demanded an examination. Dr. Ballou, who examined her, refused to testify, yet you did not hesitate to say "she will be a mother soon."

As you say, Dr. Ballou asked not to testify in the case, but my information was given me by Dr. Ballou in a letter.

Relative to telegram to Dr. Murphy on conditions at Pine Point Hospital I positively state that the hospital and dining-room records will bear me out in the statement that there were 18 patients enrolled and taking their meals at the hospital.

"It is shown by the evidence that Miss _____ was at the office only on infrequent occasions, and there is nothing in the evidence to show that these visits to the office were not entirely proper in every respect. It is shown that for quite a period the watchman slept in the office and the noise you allege was caused by the setting up of a folding cot upon which the watchman slept."

I do not know what "evidence" you refer to, as the exhibits, especially F and G, do not convey any such impression.

"While I told Mr. Brosius, and will tell anyone else, that he will be protected in furnishing information, it must be the truth and if mistaken it must be in good faith."

I notified Maj. Howard that a scandal existed at the Pine Point School similar to that of the year before. The statements sent him at his request proved beyond any shadow of doubt that the scandal existed, and my statement was the truth, also it was given in good faith and in order to protect the Indian Service from any further disgrace at that place.

"It appears that sometime in November, 1913, while you, Dr. Shoemaker, and Dr. Polk Richards were at Lac du Flambeau, an Indian was brought to the

school hospital for treatment * * *. However, you declined to nurse this case for the reason, as you stated, that you were supposed to do only eye work, etc.'

A short time before this case a policeman at the agency, St. Germaine, met with a severe accident. I went to the assistance of Dr. Pinch and helped him to dress the wound, and offered to do anything in my power to be of service. Dr. Pinch told me that owing to the fact that they were not equipped for such patients at the hospital (which was not used as a hospital at all, part of the building being used by the domestic art classes and the other rooms used as living quarters for employees) that they sent their patients to Rhinelander, Wis., for hospital treatment. He accompanied St. Germaine there at once, as he later did Guyette. Dr. Pinch was absent on another part of the reservation when Guyette was brought by Dr. Richards to the hospital, but returned in a short time.

I did not then, and do not now, consider it respectful to the physician in charge to take over the general work of the agency when the physician is on the grounds. We were sent to do special work, not to usurp the work of the regular physician. However, I rushed my work to the limit in order to assist in the operation, and when Dr. Pinch came in the room asked him how soon he wanted to operate. He replied, "We are not equipped to do the work here, and I am going with him to Rhinelander," which he did.

I cared for Guyette constantly until he was taken to the train.

I am perfectly willing to stand or fall on my record as a worker since I entered the Indian Service. My work at Lac du Flambeau will bear the closest scrutiny, as I did my utmost to be of service to every child there.

That tuberculin was given by order of Dr. Richards to 30 children as an experiment in the treatment of phlyctenular conjunctivitis, and resulted so disastrously in lighting up tubercular lesions in so many children was no fault of mine. I simply carried out orders. Dr. Pinch countermanded the order the very day Dr. Richards left, but not before the children were running high fever and exhibiting every symptom of tuberculosis. It will always be a grief to me that I in any way contributed to anything but good to Indian children.

In further evidence of my work since assuming the position of supervising nurse will refer you to Indian Office files:

December 31, 1909, W. H. Harrison.

July 8, 1911, Dr. Murphy (Mr. Nellis and Dr. White).

July 20, 1911, Dr. D. W. Murphy.

June 6, 1912, Dr. G. A. Landes.

June 30, 1913, Dr. James L. Ballou.

Trusting that these explanations will be deemed sufficient to clear up all misunderstandings, I am,

Respectfully,

_____,
Supervising Nurse.

(The witness also submitted the following letters, which were ordered to the placed in the record:)

[Recommendations referred to in Exhibit No. 8.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE.

Dr. J. A. M., Washington, D. C.

SIR: I wish to say that for all-round competency, energy, and industry as a nurse, Miss L. T. Ross, who has assisted me since July 1, 1909, excels any other person that I ever saw.

When I am through with my operation work and my patients are left in her care, I have in every instance found my instructions carefully and fully carried out. In the few instances where the cases were not doing as we had outlined, she at once recognized the condition and called my attention to them.

I recommend her to anyone needing the services of a first-class nurse.

Very respectfully,

W. H. H.

(This is a copy of the recommendation sent to Dr. Murphy.)

SANTA FE, N. MEX., *December 31, 1909.*

Miss Ross: I am inclosing herewith a copy of a recommendation I am now mailing to Dr. Murphy. Hope it will do you no harm. Never said a word about my salary; suppose it will not be increased. Hope you early success in your increase.

Very respectfully,

W. H. HARRISON.

Think I'll resign soon, unless they recognize me. I do feel that I am not the least competent man in the service, although I may be.

H.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
HEADQUARTERS FIELD SUPERVISORS,
Denver, Colo., July 18, 1911.

Miss LUCRETIA T. ROSS,
Supervising Nurse, Pawnee, Okla.

DEAR MISS ROSS: I have within the past week received a letter from Mr. Nellis, at Pawnee, and a report of Dr. D. W. White on his work at Pawnee. For your interest I will quote statements made by Supt. Nellis and Dr. White.

"Supt. NELLIS: In this connection I would like to express my appreciation of the work done by Miss Ross at this agency. It has been most excellent. She has worked night and day, and the results in cases where there has been sufficient time to secure definite results are certainly very gratifying. I would ask nothing better than to be able to retain her if this were possible. The outside Indians, the pupils, and the employees will always remember her stay at this school with pleasure and with gratitude. She has at all times and in all ways been most kind, considerate, and helpful."

Dr. White says: "Through Supt. Nellis, Miss L. T. Ross, supervising nurse of Indian Service, has been detailed at Pawnee for over five months treating the eyes of the Indians through the kindness of Supervisor Dr. Joseph A. Murphy. I desire to say Miss Ross has been the most efficient trained nurse I have ever had the pleasure to work with. She has the confidence of the Indians and also gives honest time and ability for their welfare."

I am sending the above quotations because they show the estimation of the superintendent and the special physician of your work at Pawnee. It is gratifying to feel that one's work has been not only done well but has been appreciated. Both of the above quotations have become official records.

Very sincerely, yours,

JOSEPH A. MURPHY,
Medical Supervisor.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Cantonment, Okla., July 20, 1911.

It is with much pleasure and honor to be fully able to commend Miss Lucretia T. Ross, supervising nurse of the Indian Service, for the high degree of practicable and scientific training she possesses.

I have served an internship of over three years in New York City and Pennsylvania hospitals, and during that time I can honestly state I have not worked with any nurse more capable than Miss Ross. She is an exception. She has been without a doubt the ablest nurse I have worked with in the Indian Service.

One quality above all others I admire Miss Ross for is her duty and her persistence for the health of the Indians. She has their entire confidence, which is only natural after the amount of good she has accomplished. She has performed an excellent work along eye diseases, but I am sure if she pursues her position of supervising nurse the training she could impart to other nurses in the service along tuberculosis and trachoma lines, and also hygiene and sanitation, would be invaluable to the Indian and employees of the service.

DANIEL W. WHITE, M. D.,
United States Indian Service.
Graduate Jefferson Medical College, Philadelphia, Pa.

CANTONMENT, OKLA., *July 20, 1911.*

FATHER HENRY KETCHAM,

Catholic Bureau of Indian Affairs, Washington, D. C.

DEAR FATHER KETCHAM: I received a letter to-day from Miss Lucretia T. Ross, supervising nurse, Indian Service, concerning her expected visit to Washington this month. She is desirous of meeting you. I gave her a letter of introduction, which she will present on arrival, if she will receive it in time.

When I brought attention of the Indian Department to the existence and prevalence of trachoma among the Indians of the United States, my staunch supporters in the service at that time were very few. The majority were afraid to assert themselves, but I am glad to say Miss Ross came out in the open and fought with me for what was right, and I have no doubt her assistance was one of the reasons why the department was compelled to take up the eye fight.

I am sorry to say Miss Ross intends to resign if her requests are not granted. I expect to be out of the service by October, as my increase in salary has not been granted. I believe the eye fight will continue, and I feel the responsibility of my own can now be shifted to other shoulders for its continuance. This is all I wanted to accomplish before I left the service. As for the remuneration for the work I do is only a gift for special eye work, I do not consider it a salary. The Indian Office will have to be trained what special work means before they can realize its importance, though they have general physicians in the service all over the country who are not capable of doing eye work, and if any eye work is to be done an oculist has to be called in.

I expect to reach Washington before winter and shall be glad to see you. Anything you can do for Miss Ross will be a favor.

Very sincerely, yours,

(Signed)

DANIEL W. WHITE, M. D.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Cantonment, Okla., July 29, 1911.

FATHER HENRY KETCHAM,

Catholic Bureau of Indian Affairs, Washington, D. C.

MY DEAR FATHER KETCHAM: It is a delight to introduce the bearer, Miss Lucretia T. Ross, supervising nurse of the Indian Service.

It is beyond my power to state how highly I hold Miss Ross; her honesty and character are irreproachable. The good work she has accomplished for the Indian is a revelation to all upright and conscientious people in the service. I trust, Father, if you can further her good work with your valuable assistance, you will do me a favor.

Very sincerely, yours,

(Signed)

DANIEL W. WHITE, M. D.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
OFFICE OF DISTRICT AGENT,
Stilwell, Okla., June 6, 1912.

JOSEPH A. MURPHY, *Washington, D. C.*

SIR: I have been associated with Miss Ross in the eye work now for 10 months. She is a capable nurse and a hard and untiring worker. She has had excellent training and a vast amount of practical experience, and I think without question the most competent and best equipped nurse in the service.

Therefore I have no hesitancy in recommending that she receive \$1,500 per annum, \$3 per diem, and traveling expenses.

Respectfully,

(Signed)

GEORGE A. LANDES, *Ophthalmologist.*

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Ponsford, Minn., June 30, 1913.

DR. JOSEPH A. MURPHY, *Washington, D. C.*

DEAR SIR: Owing to the lack of quarters for patients at Pine Point, the operative work among the adult Indians has not been as voluminous as I desired. I have, however, been able to do quite a number of major operations on patients at their homes, and on these I have been able to get admitted to the school buildings.

In this work Miss Ross has been of inestimable value to me—she has been very attentive to the duties assigned her and has proven herself exceptionally proficient in her work, being kind to the patients and loyal to orders given her.

Respectfully,

(Signed) JAMES L. BALLOU, M. D.,
Agency Physician.

Miss Ross. June 13 was a letter demanding my resignation, which I submit as Exhibit No. 9.

(The secretary to the joint commission read as follows:)

EXHIBIT No. 9.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 13, 1914.

Mrs. LUCRETIA T. ROSS, *Supervising Nurse*
(Through Dr. Joseph A. Murphy, Medical Supervisor).

MADAM: Your answer of April 22, 1914, to charges against you growing out of the investigation of the Pine Point (Minn.) School by Special Agent Christie, the report of Mr. Christie, and partly out of the reports of Supt. Sickels, of the Lac du Flambeau School, Dr. F. Shoemaker, Dr. Polk Richards, and Dr. J. W. Pinch in reference to your refusal to assist in the treatment of an Indian who had a crushed foot and who should have been operated on by these physicians when at Lac du Flambeau, Wis., have all been carefully considered.

This record justifies the conclusion that you were insincere and unfair to Principal Nygren, of the Pine Point School, and that your charges against him were made for personal reasons and not for the good of the service.

Your refusal to assist Dr. Shoemaker and the other physicians when an Indian was brought to Lac du Flambeau School with a crushed foot manifested a deplorable lack of professional and humanitarian interest incompatible with the position you hold; in other words you failed to respond to an emergency which must at some time meet every Indian Service employee—more especially a professional nurse.

In the light of the record I deem it inadvisable longer to continue you in the service, and will accept your resignation if tendered at once, otherwise you will be relieved.

When I told Mr. Brosius, in connection with the information given to him concerning the Pine Point case, that you would be protected in doing so, it was with the understanding that this information must be the truth, or that if you were mistaken it should be given in good faith. This record clearly shows that you did not act in good faith in your information regarding Principal Nygren.

Respectfully,

(Signed) CATO SELLS, *Commissioner.*

Senator LANE. Now, you say in regard to that case where the man came in with a crushed foot that there were no instruments there?

Miss Ross. There was not an instrument of any kind, not even a butcher knife.

Senator LANE. So they could not have operated?

Miss Ross. Why, no.

Senator LANE. Do the doctors verify your statement as to that?

Miss Ross. I do not know whether they will or not. Dr. Pinch will know, certainly. I will come to that in a few minutes anyway.

Senator LANE. What operation was necessary in that case?

Miss Ross. To amputate a part of the foot.

After the receipt of this letter of June 13—and, by the way, it was sent through my chief, Dr. Murphy, and I did not receive it until the night of the 26th of June—I immediately asked for my 15 days' annual leave that were due me, and said, "Resignation will take effect at that time." I then started from Salt Lake City and traveled 2,000 miles at my own expense to come here and talk it over with Commissioner Sells. July 9, at 4 o'clock, I was granted an interview with him, and I said, "Mr. Sells, I have come to talk this over with you." I said, "Surely, Mr. Sells, you did not write this letter." "No, ma'am, I did not; but I am perfectly satisfied with the man that did." I said, "Who did write it?" "I can not tell you. It was well reviewed, and everyone of us would agree to the same thing."

I said, "Mr. Sells, will you tell me who reviewed it?" "No, ma'am, I will not." I said, "Won't you reconsider it? Won't you look into it? Surely you do not want your name to go down on such a letter as that. In the face of the evidence that was submitted, surely you do not." "No, ma'am." I arose from my chair, and I said, "You will not look at it then," Then he reached over his hand and said, "Yes, give me the paper; I will look at it," and he began immediately to talk about other things.

He said, "In the first place, you maliciously tried to assassinate the character of that man," "Why," I said, "Mr. Sells, what are you talking about? I submitted to you the evidence that I gave Maj. Howard at his own request in order that he might make a personal investigation. They all tell the same thing. How could I assassinate his character? There is not a word of it from me; it is the employees that you put there." He said, "They were a low, immoral bunch, and you know it." "Well, sir," I said, "I grant you that statement, but it is all you provided, and I could not ask better people than you furnished at that school."

He then went on to say that Mr. Nygren was a splendid young man, and that he had cleaned out the whole immoral bunch and that he should be sustained, no matter what came. I said, "I grant you that he is a good worker, and I am glad to hear you say that he has cleaned up things. I think that he saw the folly of his way, and I am glad that he changed, but I say to you, sir, that he did not clean up the whole bunch. The people referred to who were so immoral were _____ and _____ and _____"

Senator TOWNSEND. Were those all Indians?

Miss Ross. Yes, sir.

Senator TOWNSEND. And employees?

Miss Ross. Yes, sir. Mrs. _____, after an examination by Dr. Ballou, was requested by Dr. Ballou to resign, and he kept quiet about her pregnancy, and she resigned and was given a clean bill of health by Maj. Howard—you read it—

Senator LANE. Maybe Maj. Howard did not know—oh, it had been reported to him, had it?

Miss Ross. It had been reported under oath to him, of course it had, when he went to sign it. That is in Mr. Christie's statement—in his investigations under oath. ———— and William J. Lovett both swore that Miss ———— implored him not to recommend that woman for reinstatement, and told him what was the reason, and he said, "I don't care; she is no worse than any other Indian." And yet Mr. Sells, with that evidence before him—that evidence was given under oath—says that he will do it. He says it in just these words: "Your statement is not true." He gave ———— a clean bill of health. You will agree Mr. Nygren did not clean that up.

Mrs. ————, a white woman, the one who had married the Indian boy, resigned for personal reasons. She had contemplated the same for six months. She was an absolute failure as a teacher, and I described to you the condition of her room when we cleaned it for her, as well as being a woman who was guilty of such gross immorality—she a woman of 35 and the boy about 20. Yet when she resigns Supt. Howard gives her a clean bill of health and recommends her reinstatement. Mr. Nygren did not clean that up.

——— eliminated herself by marriage. Mr. Nygren did not clean that up.

——— was given a clean bill of health when she had created the scandal in the school eight months previous to that time. She was given a clean bill of health by Maj. Howard, and was reinstated in the service. Her little child died, and she brought it back to Pine Point to bury it, is how she came to be there and tell all these tales about her smoking and all those things with Mr. Nygren. She went home for the summer with a sick sister, and has been reinstated at Browning, Mont. Mr. Nygren certainly did not clean that up.

Senator LANE. What position does she hold in Montana?

Miss Ross. Assistant matron.

The position of laundress that was vacated by ———— resigning because of pregnancy was filled by Maj. Howard with a woman of the same class who had been forced to resign the year before because of pregnancy, and at the time he appointed her she was living in open adultery with the man who was acting as disciplinarian at the school. Mr. Nygren afterwards made the two of them get married, but that does not change the condition at all. The Indians know that.

I submit these facts to you, and however much Mr. Sells says Mr. Nygren cleaned up the whole thing, I differ with him.

Senator TOWNSEND. Do you know that last statement to be true, of your own knowledge?

Miss Ross. Which?

Senator TOWNSEND. About the couple that had been living in adultery.

Miss Ross. I think you will find that statement; yes. At any rate, I will tell you this. Mr. Christie told me that—Special Agent Christie.

Senator TOWNSEND. Then, you are testifying from hearsay on that? You do not know that yourself?

Miss Ross. I expect that I could swear to it. They are married. Mr. Christie, the special agent, who went there and investigated, said that Mr. Nygren made them marry, and I can swear, because I

assisted in the examination the year before when she was examined and declared pregnant and had to resign and get off the grounds that afternoon. And I also went to her when her baby was born; it had very sore eyes, and I went to her and helped care for her baby's eyes after that.

So that conditions were not so greatly changed. Mr. Sells further says that all these charges were predicated upon the statement of one very immoral woman that I knew to be immoral, and that I had warned the principal about her, and yet when she was requested by Mr. Nygren to resign that I went to her rescue. There is not a word of evidence that could be produced on this wide earth to substantiate such a claim as that. I never did it. I have not seen _____ since I left her in the hospital last June, and I have never written her a line in my life. Further than that, the evidence was not all by low, immoral people. Dr. James L. Ballou, who gave his statement and who went to Mr. Nygren in friendship twice, is a good, clean, upright man. Miss _____, the matron who gave her testimony and spoke of going down to warn Mr. Nygren about somebody watching him, and spoke of the meeting in her room, and spoke of them being wrestling on the campus, and things like that, is a good, clean, moral woman. _____, the seamstress, who gave her evidence as to her and her detail being engaged when they were doing this wrestling, and hearing the confirmation of Mrs. _____'s testimony, is a full-blood Oneida Indian, and her word is as good as gold. She is clean and straight, and she is an example to white and Indian in all that country. They were not all low, vile people. Those three were good people.

Mr. Sells says he has cleaned out that whole thing. I submit to you, gentlemen, that if I found a case of smallpox in this room, and there was more than one infected with it, and I started one of you to Minnesota, another to Florida, another one to California, and another one to Maine, I would not clean up smallpox; I would disseminate it wherever you went.

Now, I come to the Lac du Flambeau case. I had been given orders, the strictest orders, not to meddle in any other thing but my own line of work. At the Lac du Flambeau school the United States Indian Service decided to abandon hospital work there two or three years ago. The little cottage that was erected for hospital work was used as private quarters for employees, and the one largest room was used for the domestic art classes. There were four small rooms used for the storing of drugs.

I went there, told to assist in treating the eyes, and I faithfully carried out orders. There was a man in charge of the work—Dr. Pinch—and we were not sent there to usurp his work at all. We were there to do specific work, and that alone.

Dr. Richards was only there 10 days when he was sent to Nett Lake, and was kept there for six weeks, and I carried all of the eye work of every kind. More than that, the children who were sick had to be cared for in the dormitories, and I went to Dr. Pinch and asked if I might bring them over to the hospital. There was one room there. I said, "May I bring them over and care for them?" He said, "Miss Ross, we are not allowed to have hospital work here, but if you feel that way, all right." So every child that was sick

was brought there and cared for by me until Dr. Pinch dismissed them, and they went back to their quarters.

When I had been there about two months, I judge, their chief of police on the reservation met with a very severe accident. A shotgun was discharged 10 feet behind him, and it just blew the whole side of his leg off. It was an awful accident. I got a carriage and went to the man just as quick as I could get there. I assisted Dr. Pinch in that awful dressing—the man was crazy.

I said, "Doctor, what do you do with such people? They certainly need attention. This man certainly must have hospital attention." I said, "What are you going to do?" He said, "Miss Ross, we are not equipped to do this work up there, so we take these cases to Rhinelander." I stayed with him and helped him and offered to come back that night and help him get the man on the train, but he said he could get along. Then, when Dr. Richards came back from Nett Lake, we finished the operations at the school, and I carried all the treatments. Dr. Richards was not careful in taking the work that belonged to the agency physician. Sometimes it was not very pleasant to have the cases that he was treating taken right out from under his hands and another man take them in and change the treatment.

Senator LANE. He was the eye specialist?

Miss Ross. Yes. It got so the Indians came, and he would tell them to come and tell me to give them things. I said, "Doctor, I can not do it. It puts me in such an ugly position to Dr. Pinch. Now, if he will send me a little notes and ask me to prepare such and such a prescription for a patient, most gladly will I do it; but I can not come in here, open his drug room, and indiscriminately give out his drugs. It is not proper courtesy to the man."

I had done that; Dr. Richards had ordered the tuberculin and indiscriminately had taken 31 children, without ever taking the temperature, without ever taking the opsonic index, without ever taking the pulse or respiration—he took those 31 children and, as an experiment, injected tuberculin into them. He had not only injected tuberculin into them, but doubled the dose.

Senator TOWNSEND. What did he do that for?

Miss Ross. As an experiment, to see if he could control little sores that broke out on an eye—pure, unadulterated experiment. I tell you, our children went to pieces. When I said to Dr. Pinch, "Shall I continue this?" he said, "No, ma'am; not another dose. Our school is shot to pieces." One of the little girls, just as well as I am, to all appearances—a little, round-faced, sweet child—had had, her mother told me, a sore eye when she was 4 years old that left a little white patch on the eyeball. She was one of them. She developed acute tuberculosis within two weeks. We had to just dismiss the children and take them out of work here, there, and everywhere. We just simply shot them to pieces. I took their temperatures, pulse, and respiration morning and afternoon, and I had Dr. Richards examine some of them; I had Dr. Shoemaker examine some of them; I had Dr. Pinch examine some of them. I took their findings and recorded them, and then I made up that chart and took that for at least eight pupils to the superintendent's office and asked that these children be gotten into a tuberculosis sanitarium. I never breathed

it to those people that we had deliberately put that death into their veins.

Senator TOWNSEND. They had not been suffering from tuberculosis prior to that?

Miss Ross. No, sir.

Senator LANE. Latent cases, you know.

Senator TOWNSEND. It was not given for tuberculosis, but for eye trouble?

Miss Ross. Yes, sir; purely and simply as an experiment, and it was certainly a hazardous thing.

In addition to the fact that this hospital work had been discontinued, when Dr. Richards brought Guyette to the hospital Dr. Pinch was absent just across the lake seeing another patient. Dr. Richards came in to me and said, "Miss Ross, we will have to operate at once. Get the instruments ready." I said, "Doctor, there are no instruments here." "Where are they?" "I do not know." "Are they in the doctor's office?" I said, "I do not know. There is not one here. There is not an instrument of any kind but the ones that I possess that are little, delicate instruments for eye operations."

I said, "Wait until you see Dr. Pinch. There was a case just like this came up three weeks ago, and he told me they could not do it here; that he takes them to Rhinelander." He said, "We need to operate here; you get the instruments ready." Again I said, "But, Doctor, there are no instruments here." But I went in and got my clean sheets and towels and two pitchers of water just as fast as I could go. Then I began my afternoon treatment of 56 children who came to me for special treatment. While I was rushing to get through Dr. Pinch came in, and I said to him, "Dr. Pinch, when do you want to operate?" He said, "We can not do that here; I am going to take him to Rhinelander."

I cared for the man just as carefully as I could. He was very drunk, and he insisted upon sitting up in the bed and singing. I had to have a boy sit right by him. He was smoking and would drop his pipe down in the bed. I cared for him faithfully, and finally gave him, under Dr. Richard's orders, a hypodermic. I had nothing whatever to do with the lack of hospital work there. I would gladly have taken care of the man had I been given an opportunity to do so.

Senator TOWNSEND. You did not refuse to take care of him?

Miss Ross. No; I did not. I never have done it for anybody. That was dragged in by the ears.

Senator TOWNSEND. Did you ever have any trouble with Dr. Richards?

Miss Ross. No, sir; not a word, only that I did object to the giving of the tuberculin. He knew that. But beyond that I have never had one word with Dr. Richards.

Senator TOWNSEND. Was there any trouble between Dr. Richards and Dr. Pinch?

Miss Ross. No, sir; not that I know of. Not a thing. Dr. Richards sort of looked down on Dr. Pinch and made fun of him, but there were no words between them that I ever heard tell of. There were no words but of admiration between Dr. Shoemaker and myself. And I must say for Dr. Pinch that the three months I was there I

was shown every courtesy, every consideration that a woman could be. And I hear from him very frequently.

Senator TOWNSEND. Is he still in the employ of the Government?

Miss Ross. Yes, sir; he is the contract man there and has that work.

I wish to return now to the statements in regard to White Earth. I want to say here that Mr. Nygren, in my estimation, was not responsible for the kind of employees, for the immoral characters that were the kind afforded the Indians at Pine Point. Mr. Nygren had nothing to do with that, nothing whatever. Maj. Howard—in the nine years that he has been here, these three scandals came up. First, there was Hare staying right on those grounds with that awful condition. I can not tell you the awful things I have heard the Indians tell about that place. The next—and Hare was succeeded by Louis Page—occurred under Supt. Howard, and the third one occurred under the same man.

Senator TOWNSEND. Is he still there?

Miss Ross. Yes, sir; he is still there. All these things have happened under his administration, and when a scandal occurs he gives them a clean bill of health, and he sends the smallpox on.

Senator LANE. They go to other reservations?

Miss Ross. Yes, sir. Not only does Maj. Howard provide immoral employees there and keep them there and give them clean bills of health to go to other places, but he refuses hospital treatment to the Indians. In support of that statement I will submit exhibit No. 10.

Senator TOWNSEND. What is that, before we have that put in the record?

Miss Ross. That is just simply taking up the fact—

Senator TOWNSEND. A statement by you?

Miss Ross. It is a letter by me to my chief, the medical supervisor of the department.

Senator LANE. Put it in the record.

Senator TOWNSEND. Let it go in just the same as if you had read it.

Senator LANE. These immoral conditions, you think, have a pernicious effect on the children?

Miss Ross. Oh, undoubtedly. That is one of the most corrupt places I have known. One night after 11 o'clock, while Miss —— was out some place, there was a drunken fellow came up from down town and said, "Your girls are all down here in the woods with a lot of boys." They climb out over the roof and go out. Yes; the influence is bad, Senator.

This simply speaks of the men who are still walking, trying to take care of their cases.

Senator LANE. The physicians?

Miss Ross. Yes.

Senator LANE. Not provided with proper conveyances?

Miss Ross. No, sir.

Senator LANE. That makes it impossible for them to give good medical attention?

Miss Ross. May I just read this?

Senator LANE. Yes.

Miss Ross (reading) :

EXHIBIT No. 10.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
White Earth, Minn., August 25, 1913.

Dr. JOSEPH A. MURPHY, *Crow Creek, S. Dak.*

DEAR SIR: I am just in receipt of your letter of August 12, which was forwarded to me from Ohio; also your letter of August 19, which contained the letter which I am returning.

Your telegram directed me to report at White Earth, not Ponsford, so I came on here.

I sent a letter to the Commissioner of Indian Affairs through you a few days ago, and will remain at White Earth until I hear from it. I am now assisting Dr. Janney, who is at work night and day. I am taking the dispensary work while he takes the outside work. Dr. Guitard has only the hospital work and that leaves all the dispensary and outside work for Dr. Janney.

Dr. Lewis has been transferred from Elbow Lake, so that leaves Elbow Lake, which is 25 miles away, for Dr. Janney also.

Last Thursday evening, after a day of constant work, walking to visit his patients, Dr. Janney was caled to Elbow Lake and also to Waubun, which is 11 miles distant.

I took the trip to Waubun and gave special treatment and medicine, remaining until the patient began to improve. I got back from my trip at 11.30 p. m., and Dr. Janney traveled half the night to reach his patient and did not get back until noon the next day. He will ride until midnight to-night to reach Elbow Lake again.

The buggies which were bought for the doctors of this reservation are here at the agency, the horses are here also and have been for several months, but Drs. Ballou and Janney still walk to visit their patients.

One of the buggies was used yesterday by the farmer and stenographer on a hunting trip, and two of the horses meant for the doctors were driven to Elbow Lake sometime ago by the police of this place and during the night were cut so badly in a wire fence that they have not been able to be brought here since.

With this reservation alive with tuberculosis and the hospital at this place built for that purpose, not a case is admitted.

Several people have come here asking admission since I have been here, but they have had to turn back and do as best they could.

That shack put up for an "eye hospital" at Pine Point has been roofed and used as living quarters for the police at that place, and the adult Indians of that place have no place for treatment for trachoma, tuberculosis, nor anything else.

A few months ago Maj. Howard told Dr. Ballou not to dare call that a hospital: that it was never built for one and was only put up to shut the mouths of the Indians and keep them from asking for a hospital.

A field matron is at work at Pine Point, but Dr. Ballou writes me that he is very busy. I will go over and assist him in any special work that may come up.

Very sincerely,

(Signed) LUCRETIA T. ROSS.

Senator TOWNSEND. What is the date of that letter?

Miss Ross. It is August 25, 1913.

I am going to say something else that will sound harsh possibly. Maj. Howard not only allows immorality among the employees and prevents treatment of the Indians, but he is a blackguard in his speech, and as such I am going to offer as evidence Exhibit No. 11. May I read this?

Senator LANE. Yes.

Miss Ross (reading) :

EXHIBIT No. 11.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
WHITE EARTH BOARDING SCHOOL,
White Earth, Minn., August 23, 1913.

Dr. JOSEPH A. MURPHY, *Denver, Colo.*

DEAR SIR: I am inclosing to you a letter to the Commissioner of Indian Affairs and hope that it will be forwarded to him at once.

It is self-explanatory, but I have no words to voice the indignation I feel.

I have endured a great deal at the hands of men since I entered the Indian Service, but this is just the last I will endure.

Very respectfully,

(Signed) LUCRETIA T. ROSS,
Supervising Nurse.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
WHITE EARTH BOARDING SCHOOL,
White Earth, Minn., August 23, 1913.

The honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

(Through Dr. Joseph A. Murphy.)

SIR: I was sent to the White Earth Agency in August, 1912, to assist in trachoma work among the Indians of the reservation.

The work was opposed by Maj. Howard in every way possible, and the physicians with whom I have worked (Dr. Polk Richards, Dr. J. L. Ballou, Dr. J. G. Janney, Dr. Thomas Rodwell) have, as well as myself, had to endure indignity and abuse at the hands of Maj. Howard.

In April, while Chief Supervisor Holcombe was at White Earth, I wrote him a letter asking him to come to Pine Point (copy of which is inclosed), as I felt it would be for the good of the service for him to do so. He never came, neither did he reply to my letter.

I had become aware of the fact that the Indians believed that Maj. Howard had made some improper remarks to me, or had made some indecent remarks about me, and I wished to speak to Mr. Holcombe in regard to it.

Sunday, April 20, N. B. Herr (a full-blood Indian), former principal at Pine Point School, asked Dr. Ballou if it was true that Maj. Howard had made indecent proposals to me or in regard to me. He said that the Indians were under that impression, and if it were true they were going to report him to the Indian Office for it.

Dr. Ballou asked me about it and I told him that I believed it to be an utter falsehood—certain it was that he had never made an improper remark to me.

Since my return to this reservation, August 15, 1913, the subject has been brought to my attention several times, so I wrote a letter to Mr. W. J. Lovett, assistant superintendent at this place, and asked him if he had ever heard the reports.

His reply (which I am inclosing) is a confirmation of the rumors that are current.

I do not know what the obscene remarks are that he has made in regard to me, but Mr. Lovett tells me that he (being present and hearing it) reported it to the office in writing and also made a verbal report of it to Mr. Holcombe.

I now request that this matter be examined into by the Indian Office, and, if it is true, that the service be freed from a man so low that he will befool and blacken the name of a woman.

I have in all things conducted myself with prudence and discretion, and I consider it an outrage that my name has been used to emphasize the low obscene remarks made by this aged senile man, and made publicly before a number of men, one being an Indian.

Another woman, a teacher at White Earth, has had her name dragged in the mire by this same man during the year.

Very respectfully,

(Signed) LUCRETIA T. ROSS,
Supervising Nurse.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
WHITE EARTH AGENCY,

White Earth, Minn., August 20, 1913.

Mr. W. J. LOVETT, *Assistant Superintendent,*

White Earth, Minn.

DEAR SIR: Sunday, April 20, 1913, N. B. Herr made an appointment with Dr. Ballou at Pine Point and asked him to find out from me if Maj. Howard had ever made any improper proposals to me or any improper remarks concerning me at which I had taken offense. He said the Indians understood that Maj. Howard had made improper remarks about me and, if so, they wanted to know it and they would take the matter up with Supervisor Holcombe, who was then at White Earth. I assured Dr. Ballou that the statement was utterly false, and he so informed Mr. Herr. I now find that such a story is generally reported and I have been asked about it several times. Have you ever heard any intimation of such a report which is being circulated among the Indians or have you ever heard Supt. Howard make any improper remarks concerning me?

Very respectfully,

(Signed)

LUCRETIA T. ROSS,
Supervising Nurse.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
WHITE EARTH AGENCY,

White Earth, Minn., August 20, 1913.

Miss LUCRETIA A. ROSS.

Supervising Nurse, White Earth, Minn.

MY DEAR MISS ROSS: Replying to your letter of this date relative to any slanderous reports that may have been circulated among the Indians regarding yourself by Supt. Howard, I have to advise you that I have no knowledge of any such reports being current among the Indians.

It might be possible that the vulgar remark which Mr. Howard made in the presence of C. M. Ellis, B. F. Carr, Frank T. Carr, Louis Blue (Indian), and myself in the office of Mr. Ellis, at Pine Point, had been repeated by Louis Blue to some of the other Indians and enlarged upon by them. I was very much surprised at the time that Supt. Howard would so far forget the dignity of his official position as to couple your name with a vile, filthy remark, especially in the presence of an Indian.

The thought expressed by Mr. Howard was of too obscene a nature for me to repeat here, but I did make a verbal report of same to Chief Supervisor Holcombe after having called same to his attention in writing. I, of course, do not know what action was taken by Mr. Holcombe regarding same, as after reporting the matter to him I felt my duty ended.

Very respectfully,

(Signed)

W. J. LOVETT, *Asst. Superintendent.*

That is what I sent Mr. Sells.

Senator LANE. Have you his answer?

Miss ROSS. Yes. [Reading:]

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,

Washington, September 8, 1913.

DEAR MISS ROSS: I am in receipt of your letter of August 23, containing complaint against Supt. Howard, and advise you that the matter was inquired into by Mr. Holcombe when he was at White Earth, and has been the subject of a report by him to me, which is now under consideration in connection with other matters pertaining to the administration at White Earth.

Very truly, yours,

(Signed)

CATO SELLS, *Commissioner.*

Miss LUCRETIA T. ROSS,

Supervising Nurse, care Pine Point Day School, Ponsford, Minn.

Mr. Sells in his talk to me was very emphatic. He could not and would not even consider going over his statement and his decision

that he had reached, because I had assassinated a man's character, and yet Mr. Sells has known for 11 months that that man tried to blacken me in the vilest sort of way before six men, one of them an Indian.

Senator TOWNSEND. Are you referring to Maj. Howard or to Mr. Nygren?

Miss Ross. To Mr. Nygren.

Senator LANE. You do not know the character of the remark?

Miss Ross. I do not, further than what this man said, that it was too obscene even to repeat. I took it up, and nothing has been done. He knew of that assassination of character 11 months ago and it has just gone on. In talking with Mr. Sells I said, "Mr. Sells, won't you look over these recommendations that I have for a lifetime of work? This is an awful imputation to put on a woman that has tried to be true." I said, "Won't you look over these things? Here are little references that deal with my whole life. They are from the schools that I have attended. They are from the people I have known, and there is not but one person of them that is dead. Won't you look them over?" And then I handed him these recommendations from every man that I have worked with since I have been in the Indian Service. I said, "Mr. Sells, won't you look over those?" He just looked at one thing and dropped it down.

I said, "Mr. Sells, if I have done wrong, I am sorry. If I have unwillingly done wrong, unconsciously, I am sorry. I will never do it again. I will do my level best. Won't you look over it and reconsider your verdict?" "No, ma'am; I will not. A woman who will assassinate a character is beyond any thought of sympathy or sentiment"—those two words. I said, "God pity us if that is the case." He said, "More than that, you knew of that wrong. You knew of that wrong and you never opened your mouth to correct it, and you knew that all those weeks until, in spite and vindictiveness, you heard what that man had said about you and you went after him to ruin him. You condoned his offenses that he had committed." And he said, "For such persons there is no quarter but to instantly dismiss them."

I said, "Mr. Sells, would you take that stand in regard to a fraud or anything like that?" "Yes, ma'am; I would do it." I said, "How long would it take you to reach such a stand as that?" "I would do it immediately." I said, "Are you sure that you would do it immediately?" He said, "Yes, ma'am." Then he stopped. Then he said, "Miss Ross, I might be a little while gathering up evidence and getting it into my hands, but I would come to it, and a man or woman who had committed a fraud or had condoned it would receive no quarter from me." I said, "Would it take you three months? Do you think you could make up your mind in three months?" "Yes, ma'am." I said, "Could it possibly take you six months?" "No; I would get hold of it before that."

I said, "Mr. Sells, could it by any possibility take you a year to make up your mind?" He said, "No, ma'am." I said, "You did it. You knew a solid year ago of the awful fraud practiced in the appointment of our medical chief, and it has embarrassed and hampered and crippled us all this time, and you have never taken any action about that, and you have condoned that."

He jumped up out of his chair, and he said, "How do you know that?" I said, "I know it. I know the men that brought you the evidence." He said, "Who were they?" I said, "They were Senator Overman, Congressman R. L. Doughton, and Hon. Robert L. Ballou, on the 17th day of July, 1913. And they brought you more than that. They brought you the Congressional Record; they brought you an affidavit from George L. Landis showing that he was turned down and not allowed to take the examination; and they told you the requests of Daniel W. White were on file here showing he had been turned down. You have condoned that for a year."

Senator LANE. What did you mean by that fraud?

Miss Ross. The fraud in the position is clearly outlined in the Congressional Record that was made during the Graham investigation. It shows how Mr. Leupp, when he was getting ready to get out of office, wanted to get Dr. Murphy, who was then a temporary employee, a standing under the civil service in that plant. Mr. Valentine was made the goat in that case, he answered, and said, "We have decided we will call for an examination." I can refer you to the congressional report. At any rate, they decided they would make experience a large relative weight, and they took that doctor and sent him all over the country, so he would examine a lot of tuberculosis and trachoma, and they absolutely refused men to take the examination other than that.

"Now," he said, "if any man really qualified should take it, why, we will appoint him to regular physician's work until we come to the name of Dr. Murphy. Then we will appoint him at a lower amount, say for two or three months, and then we will put him over." That is all in the congressional report.

That was taken to the commissioner, and he promised he would take it up. But that was not so important as it would be in a woman where she is falsely accused of knowing a scandal existed—for I hereby say I never knew it until the night before I notified the major. I did not know it and condone it.

Owing to the fraud in the Indian Service, owing to the fraud in the appointment of our chief, the whole work has had to suffer. Our chief has not been able to take a stand against any man. No matter how much he opposed anything that was done, our chief has not dared to stand out, because his own position was so precarious; and so we have had to be crippled.

In proof of my statement that our chief has not dared to act in the face of wrong, where he knew wrong was being done, I offer as evidence these two papers, Exhibits Nos. 12 and 13, showing plainly, in the doctor's own handwriting, where he knew of wrong being done and work being crippled, and an extract from the Singleton report which gives a letter that he wrote to the men that he knew had done that, saying, "I think you have been sincere; that you have helped in the work all you could."

Senator TOWNSEND. Have those letters been filed in the department?

Miss Ross. No, sir; those are my own. I am making a plea for my name.

(The letters referred to are as follows:)

EXHIBIT No. 12.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
NAVAJO AGENCY, N. MEX.,
Fort Defiance, Ariz., June 11, 1910.

Miss LUCRETIA T. ROSS, *San Ildefonso, N. Mex.*

DEAR MISS ROSS: I wish to acknowledge receipt of your letter of June 1 and also of two previous ones, which I have not yet answered, in which you report the progress of the work. I had delayed answering or taking any action because I expected to stop at Santa Fe on my way West. Mr. Abbott wired me to meet him here and my plans have necessarily been changed, so that I will be unable to reach Santa Fe for a number of weeks yet. It may be possible that if you take your leave early in July that I might not be able to get there before you go; I will try to do so, however.

I am inclosing a blank on which you will make your request for leave, and at present see no reason why it should not be granted. In case you do not hear from me in time, it will be safe to take your leave as requested, since I will approve as soon as the blanks reach me. If, however, you wish to take leave without pay the blank will first be forwarded to the office for approval.

The conditions which you report in regard to the teachers having received no instructions to continue the trachoma work and also the difficulty which they have had in obtaining supplies I wished to investigate on the ground in order to avoid further trouble between yourself and the superintendent, for I felt that if I reported to him by letter what you said in the matter it might serve to make matters more unpleasant for you in case he felt that you were reporting to me "things which did not concern you." Although this is not the case, and I wish to have a full report on all matters relating to your work given with as much freedom as you have always done, I have still delayed taking action in the matter for the reasons given above. I will, however, visit the Pueblos and go into the local conditions carefully within a very short time.

Very respectfully,

JOSEPH A. MURPHY, *Medical Supervisor.*

EXTRACT FROM SINGLETON REPORT.

"Crandall refers to the vast amount of good done at the Santa Fe school for trachoma by Dr. Harrison, Miss Ross, Dr. A. Dunn, and Dr. R. D. Holt. Crandall sends as an exhibit a letter from Dr. Joseph A. Murphy, head of the medical department of the Indian Bureau, commending the interest Crandall had expressed in the trachoma treatment and also stating his belief that Crandall was sincere."

EXHIBIT 13.

DRUG SUPPLIES AT PUEBLOS.

The following invoice of drugs was taken, that I might know where to look for supplies in treating an emergency when it arose.

The drug supply for the day school should be selected by a physician or one trained in the use of drugs, not by a layman who is totally unfamiliar with their properties. The drugs should also be supplied in tablet form wherever practicable. In case of rheumatism, of what avail is a pound of sodium salicylate powder when there is not a pair of drug scales within a radius of 25 miles and the teacher does not know the properties nor dose of the drug?

Efficiency in treating malaria, malarial dysentery, typhoid fever, scarlet fever, pneumonia, tuberculosis, impetigo, and trachoma can not be found in such drugs as powdered alum, sodium bicarbonate, cream of tartar, aromatic ammonia, and tincture of arnica flowers, no matter how liberally they may be supplied.

TAOS.

Assisted by the housekeeper at Taos day school, I invoiced the stock of drugs October 6, 1910. The school is well supplied with drugs, especially cathartics, of which they have—

* * * * *

Dr. Martin in his request for drugs for 1911 names, among other things, ichthyol, citrine ointment, and mercurial ointment. These much-needed drugs should be liberally supplied to every school. The following is a complete list of drugs:

* * * * *

PICURIS.

The drugs supplies consisted of a few unimportant things. There were no disinfectants of any kind. Nothing with which to treat the skin eruptions which were prevalent. No cough mixtures nor any medicines with which to make them. I supplied the argyrol, bichloride of mercury, toothpicks, and medicine droppers with which to treat the eyes. At my last visit a pound of cotton and four ounces of boracic acid have been sent there. No castor oil was to be had for sick children.

SAN JUAN.

During the epidemic of malarial dysentery which prevailed the latter part of September and first of October I spent several days in the village. No castor oil was on hand, and in case of sick children who were put on calomel it was a necessity. I found the housekeeper, Mrs. Schriever, had been buying castor oil for the sick children, and during the entire epidemic she supplied the castor oil out of her meager salary. Very little quinine was on hand and that was used up in a few days. I took a bottle of 1 ounce quinine from Santa Clara to meet their needs, but there were no capsules in which to dispense it, and raw quinine is not calculated to quiet the nausea which accompanies the disease. We were forced to put the patients on fluid extract cinchona aromatic. A slow and inefficient means to check malaria that was accompanied by complications that rapidly sapped the vitality. The teacher made requisition for castor oil, quinine, and capsules September 26, and October 3 I personally urged that the medicines be supplied, but was told that no castor oil was on hand. These drugs were not supplied until sometime later. Dr. Rivera took charge of the work October the 4th and handled it successfully. The following is a list of drugs invoiced by help of the housekeeper October 8, 1910:

* * * * *

SAN ILDEFONZO.

In January, 1910, at the request of the teacher, Miss Richards, I invoiced the drugs, and as she, in common with other teachers, knew nothing of the uses, properties, and doses of the drugs, she asked me to write the name of each drug, give its properties, name the diseases for which used, and the dose, both for adults and children. All this I did, putting the work in practical shape. I left it in the dispensary for its use, hence have no invoice with me at present. The school is liberally supplied, and the drugs I designated as needed were promptly sent.

NAMBRE.

During the year considerable sickness has prevailed at Nambe. Several children have died and many have had long attacks of illness which simple remedies would have speedily cured. The housekeeper and teacher asked me repeatedly for castor oil, as so many little children had cholera infantum and kindred illnesses during the year. I advised the teacher to ask the superintendent for all medicines needed. He did so, especially urging that castor oil be sent. He was told that none was on hand and that "they surely ate castor oil at Nambe." After five children had died I secured a bottle of castor oil at Sia and personally took it to the school at Nambe. The drugs at Nambe are inadequate. One woman has suffered from erysipelas during the past month, and when she finally secured the attendance of a physician he could only do

the best he could, as there were no medicines on hand to treat erysipelas. I have supplied the argyrol, medicine droppers, and most of the cotton for treating the eyes during the year. The following is the invoice of drugs:

* * * * *

TESUQUE.

No Government employee is at this village, and there are no drugs of any kind supplied. During the year there has been considerable illness and several deaths. The Indians have come to me for medicines and help in their suffering. I used my own judgment in deciding what should be done, as no physician was provided them. I personally visited the hospital at the Santa Fe Indian School and there obtained medicines needed in several instances. During a recent visit to Tesuque, December 15, 1910, I was asked to visit some people who were sick. I found the following cases:

Francesquita Romero.—Temperature, 103.4; pulse, 102; respiration, 36; she was under treatment of Dr. Holt.

Mrs. Silvaria Duran.—Temperature, 103; pulse, 108; respiration, 34; right side of pharynx covered with white patch.

Cornoto Suaza.—Temperature, 102.8; pulse, 98; respiration, 30; follicular tonsillitis.

The last two urged me to give them some medicine, but I had nothing, no purgative, nothing with which to make gargle, nothing with which to relieve the intolerable aching. I promptly reported the conditions to Supt. Crandall, and asked that a physician be sent there. I described the condition of the throats, and said that one case so closely resembled diphtheria that it should be closely watched. Two days later I again visited the pueblo and found the condition unchanged. Mrs. Duran reproached me for not bringing medicine to her. I could only assure her that I had reported her illness and asked that a physician be sent. Three days after I had reported this case to Supt. Crandall Dr. Holt visited the village. He found the same temperatures and general condition that I had reported, but he was not informed of the sore throats and consequently never examined for them. He did not know that such a condition existed until I reported it to him in San Juan December 21, 1910. I supplied the argyrol, cotton, toothpicks, copper sulphate, and all supplies for treating the eyes during the year. Adequate medical supplies should be furnished every pueblo.

SANTO DOMINGO.

No Government employee is at this village, and no drugs are supplied to my knowledge.

COCHITI.

During the year much sickness has prevailed and many deaths have resulted. Two epidemics of scarlet fever have sown seeds of disease for continuance of the same. No physician was supplied for a considerable period, and the drug supply with which to treat diseases of various kinds was totally inadequate.

"Cochiti fever," a dreadful scourge among these people, has also claimed its quota.

The teacher, Mrs. Gallup, is most efficient and conscientious, but her usefulness was greatly curtailed by lack of supplies. She asked me in October if I could not arrange for some castor oil to be sent to Cochiti. She had requested it, but as none was supplied she had purchased the oil for the pueblo at the little village store until the supply was exhausted. The same reply was always given, "None is on hand." In October she visited Santa Fe and voiced her great need of castor oil. She was promptly given a quart by an employee from the supply that was on hand. While there was plenty on hand and children were dying for lack of it, yet if it should be discovered that some person had humanity enough to try and fill the need that person's position would be made vacant, hence the donor is nameless. Below is a complete list of drugs taken November 8, 1910:

* * * * *

JEMIS.

The drug supply is extremely limited, and that supplied is not of practical benefit. The medical supply on hand that is used for the sick in the pueblo is furnished by the Catholic Church.

SIA.

The drug stock at Sia is small and consists largely of tincture of arnica and a few bottles of powders. During the year the teacher, desiring to continue the treatment of trachoma in her school, asked for cotton and medicine droppers with which to do the work. After waiting and asking repeatedly for supplies she bought and paid for them herself, in order to treat a disease that the Government is anxious to have treated. No cough sirup was supplied, and she has been unable to secure sirup of squill and glycerin with which to make it. She bought the glycerin and sirup of squill last year and made cough medicine for the Indians. In November a bottle of sirup of white-pine compound was sent her, but was so poorly packed that it was broken in transportation, and but about 4 ounces of the medicine was saved.

LUCRETIA T. ROSS, *Supervising Nurse.*

DECEMBER 31, 1910.

Miss Ross. More than that, our chief, because he has been crippled by the fraud by which he was put into office, has been unable to—or has not taken up things that should have been taken up. I have reported faithfully. There was a long time I had to report daily everything I did, everything in connection with my work. Then, again, I had to report weekly. I must report on every case I visit, every patient I handle, what their condition is, and I must keep reporting and reporting. That is why all these voluminous reports are there, and, of course, I must keep a copy of everything. I have reported conditions and reported them, and have failed to get a word in reply.

Senator TOWNSEND. To whom did you report?

Miss Ross. To my chief.

Senator TOWNSEND. Who is he?

Miss Ross. Dr. Joseph A. Murphy, medical supervisor, United States Indian Service.

Senator TOWNSEND. In Washington?

Miss Ross. Here in Washington; yes, sir—sometimes in the field.

In support of that I offer here Exhibit No. 14.

(The letter referred to is as follows:)

EXHIBIT No. 14.

APRIL 11, 1914.

Dr. JOSEPH A. MURPHY, *Washington, D. C.*

SIR: I wrote you in February in regard to the conditions at Washakie, Utah, and requested that a field matron be stationed at that place. I have not heard one word in regard to that matter; neither has the receipt of the letter been acknowledged.

About the middle of February I sent you a letter containing copy of requisition for drugs to be used among the scattered bands of Indians in Utah, and asked your advice in regard to them. The receipt of the letter has never been acknowledged, neither have I heard anything in regard to the drugs. As I am having to do the work among these Indians as both physician and nurse it is important that I know something about the drugs. I am now almost at a standstill in my work. I have thoroughly instructed the female industrial teacher at Skull Valley and those Indians are under treatment, but not one thing is being done at any other point.

The Mormon Church offered a building, rent free, at Washakie that could be used as a dwelling for the field matron or worker sent to that place. The building is unfurnished, and no word has been received in regard to a worker or accommodations for a worker at that place.

The school at Deep Creek has been closed and there are no quarters at that place where a worker could be accommodated even though one were appointed.

I reported fully the condition of the Cedar City Indians to you some time ago, also the Indians at Milford, but have not had an acknowledgment of the receipt of the letter.

I expect in the near future to visit Washakie and then go south to Kanab, Kanosh, and Koosharem. This will entail a travel of about 160 miles by stage after leaving the railroad. The Indians in these isolated places have neither medical attention nor medicines. At every point that I have visited the Indians have come to me bringing their sick and diseased, asking for help for numerous ailments and conditions. I have had to almost invariably promise help that has not been forthcoming.

I will report the conditions as I find them at these different points that I visit, and if no means can be devised whereby work may be done among them, would request that I be assigned to some field where I may do something of value.

Very sincerely,

Supervising Nurse.

Miss Ross. That, Mr. Chairman, closes the exhibits I shall now offer.

Senator TOWNSEND. Is that also a letter from you?

Miss Ross. A letter from me to my chief. Shall I read it?

Senator TOWNSEND. You see, this will all be printed, and the commission will look it all over. It will go in the record just the same as if you had read it.

Miss Ross. I am going to say here that Mr. Sells in my talk with him said to me, "I appreciate you, Miss Ross. I think you are a woman of ability; I always did like you. No man has ever said a word against you to me. No man has ever said a word against you to me, but," he said, "I can not excuse a woman who will condone a wrong, who will assassinate a man's character, who will be so untrue to her trust as you were up there." And I begged him with tears in my eyes only to go over the record again. He would not do it. He said he would not under any circumstances; he does not ever intend to shield a wrongdoer. And yet he has known for one year—he takes a very advanced stand on prohibition, and yet he has known for the whole year he has been in the service that Clinton J. Crandall, while he was superintendent in Santa Fe, promoted a drug store that was a blind tiger, and was recreant to every trust he had; that he took \$1,500—by his own statement—of money donated by starving Indians, and put it onto an automobile speedway. And yet he is held in the service to-day—the superintendent at Pierre, S. Dak.

I do not know what to say about it at all. I am not asking a thing for myself, gentlemen; not a thing.

Senator TOWNSEND. Do you admit you have done any wrong in that matter?

Miss Ross. No; I do not admit that—no; I do not. I have shown you proof that I have not.

Senator TOWNSEND. I was wondering at your statement you made to Mr. Sells that you were willing to acknowledge that you had done wrong and wanted to be forgiven.

Miss Ross. Why, I would do that any time—any time.

Senator TOWNSEND. Did you have anything in mind at that time that you might have done something wrong.

Miss Ross. Not a thing on this earth; only I thought "Here is a man who is honest in his mind and he thinks I have done wrong. I will apologize for the wrong, even if he simply thought that in his mind." No, sir.

Senator TOWNSEND. How long were you in the service?

Miss Ross. I have been in the service eight years.

Senator TOWNSEND. Where did you enter the service?

Miss Ross. I entered the service at Jacksonville, Fla.

Senator TOWNSEND. You went into the service down there.

Miss Ross. I took the examination there. I took the competitive civil-service examination early in the spring of 1906. I was certified to and was appointed to Carlisle, and went on duty there in October, 1906. I remained there until 1907—December 17, 1907, when I was transferred to Haskell Institute. I was at Haskell Institute about 14 months. I think, when I was made chief nurse in the service and was sent to Pheonix, Ariz., to open up the first eye hospital that we decided to have in the service, and I was there for six weeks. I cleaned up the place; and then I was made supervising nurse, and I have been in the field ever since.

Senator TOWNSEND. Have you ever been reprimanded or criticized by the department for any of your service at any other time?

Miss Ross. Never for one thing on earth but for reporting conditions similar to those. When I went to Carlisle—you want me to explain to you, do you, Senator?

Senator TOWNSEND. Yes; I want to know about it.

Miss Ross. When I went to Carlisle I found the things were going along very nicely. The man who was at the head of it at the time was a kind man to the children, and he was a man who wanted to have his school right in the forefront. I was there for quite a while, when I asked for a transfer, because I was having trouble with my ear in the Cumberland Valley and had been in the care of a specialist six weeks at Harrisburg, and he advised me to go to the Middle West, where he thought I would get all over the trouble, which I did when I went to the West. I asked the department for a transfer, and they arranged to transfer me to Haskell and to send the nurse from Haskell to Carlisle. She was having trouble at Haskell and had preferred charges against the superintendent, Mr. Peairs.

Three weeks before I left Haskell Institute—not that long; about two weeks before I left Carlisle, not Haskell Institute—I had some news brought to me by a couple of women that I even refused to hear at all. I admonished them that they were telling things that were dreadful, and asked them why they ever brought such news to me, and I said, "Do you know you are laying yourselves liable to suit for libel; that you will lose your positions; that dreadful penalties may attach to the telling of such tales as you are telling?" They said, "It is the truth, no matter what the penalties might be." "Well," I said, "now, look here. You are the mother of little daughters of your own. If you are willing to take the stand for your child, if you should be taken away and your child left to make its way along in the world—if you are willing to take the stand for some other mother's child that you would like another woman to take for your child—under those circumstances you should go home and talk this over with your husbands just what I say; and if you know it is the truth and you are ready to stand for the truth, you come back to the school and I will see what I can do." And they did; they came and gave their affidavits. At the same time there was

another young woman who had been sent home, after having been at Carlisle eight or nine years, and the major had asked her to come back—had written her mother and asked her to have her daughter to come back and he would give her a good position in the Indian Service. She also told some very incriminating things. I never mentioned them, and I swore them to secrecy never to tell such a thing or let it out. I thought I would like to quietly hand that to Mr. Leupp, who was then commissioner, and let him see to it. But the day I went to leave, the superintendent came to me and asked me or told me he had heard it some way, and begged me not to go. I was not going first to Mr. Leupp; I was going to take it to some Senators I knew and ask their advice about it, and he begged me to go to Mr. Leupp. He said, "I will resign and get out of the Indian Service if you ever let that get out. For the sake of my wife and children, for Heaven's sake do not let that get out"—the debauchery of an Indian girl right there on those grounds. I told him that he would have to give me some little statement to take with me, and he declared that he could not; it would have to be one man to man, and that he would do it. And when I got off the grounds he went in and threatened to shoot these people if they did not at once take back their affidavits, and the husband of the woman ran to me and caught me before I got off on the train, and I called up the major, "You had better just write that little statement I asked you for," and he wrote it out and I went down to Washington and gave it to Mr. Leupp, and he put him out of the service. That was held against me dreadfully.

Senator TOWNSEND. Who held it against you?

Miss ROSS. Mr. Leupp, the Commissioner of Indian Affairs.

Senator TOWNSEND. Although he had let the man out?

Miss ROSS. He could not do otherwise. The man had sent in his resignation.

Senator TOWNSEND. Which he accepted?

Miss ROSS. Which he accepted with a great eulogy. (To Senator Lane.) I have every word of that thing in my possession; I have all those affidavits—I have his resignation; I have the letter written by Mr. Leupp.

Senator TOWNSEND. I do not care to go into that further, but I wanted to know if you had had any other trouble

Miss ROSS. Yes, yes. I read a letter written by Mr. Leupp to Dr. Murphy. He took it and showed it to me. It was written May 17, 1909, and he said: "Miss Ross is a square peg, and the next thing she does out she goes."

Senator TOWNSEND. She is what—a square peg?

Miss ROSS. A square peg, and the next thing she does out she goes.

Senator LANE. A square peg in a round hole, as the saying goes.

Miss ROSS. And he says, "the next thing she does, out she goes." The "thing" referred to was the referring to this large licentiousness of the superintendent of Carlisle, and the next thing was the reporting the awful condition of tuberculosis at Haskell Institute, and the insisting that Indian children be given a chance for their lives when we take them away to give them an education.

Senator LANE. Who was the commissioner at that time?

Miss ROSS. Francis E. Leupp.

Senator LANE. What was the condition in regard to tuberculosis?

Miss Ross. At Haskell?

Senator LANE. Yes.

Miss Ross. The records are all in the Indian Office. It was in bad condition. When I went there they were having an epidemic of pneumonia, and I found afterwards that the children were going to pieces; I never saw anything like it, and I went to work in hearty sympathy with the doctor—the contract doctor who was there—and we had so many cases that were failing and going to pieces that they finally got a compound microscope for me. I am a graduate pharmacist, and have had a good course in bacteriology, and wanted to help Dr. Anderson. Mr. Peairs bought a fine compound microscope and I made all of the microscopic examinations for the school. The sanitary conditions were dreadful. The children were just herded together like sheep. Children who had hemorrhages and running high temperatures were kept in a bed with some girls who did not have any trouble. They would have a bunk made with possibly 30 children sleeping in it, head to head—all the heads put here together (indicating), two girls in a bed—single beds. I took the names of seven girls who were having hemorrhages and running high temperatures—tubercular—to the official matron one day and begged her to change those girls, to take them away from the others and not contaminate them all, and I could not get it done. She said, I would break up the company. They all answered in companies; they were dressed in companies, and they slept in companies.

Senator TOWNSEND. You reported all that, did you?

Miss Ross. I did; and out of that came the appointment of Joseph A. Murphy to the Indian Service—out of that fight I put up for eight long months, and was called everything under heaven but an honest woman, and he finally sent a man there who was not connected with the service at all, to make an examination and see whether or not “that woman lied.” I said, “We have sent home 50 cases of tuberculosis in the eight months I was there” and 10 or 15 of them were dead at that time; and I was unwise enough to make the statement that I believed that there were 25 cases of tuberculosis on the ground, and they had a man sent out there—Mr. Peirce. Of course, he said I was trying to disrupt the school, making any such statement as that. When Dr. Murphy came there and went over that school and examined it carefully, they sent home more than 50 children in one day in the third stages of tuberculosis; and about two weeks after he got there, and they put 69, I think it was, under special observation, and sent them home within the next two weeks. They found altogether in the different stages of tuberculosis 214 cases on the grounds, and out of the big dairy herd that we had—I had asked and begged to have the dairy herd examined for tuberculosis and were told, “We have the finest herd in the State of Kansas”—we were left with 7 cows—everything was alive with tuberculosis.

Out of that grew the little bit of supervision we have had along medical lines.

I was made supervising nurse, and I have in my possession orders from Mr. Valentine to be sent out, and if I reported tuberculosis at a place to get out and clean it up; and if I reported trachoma at a place to get out and clean it up. But I was summarized as the “square peg, and the next thing she does out she goes,” that is in

Dr. Joseph A. Murphy's file, signed "Francis E. Leupp," and dated May 17, 1909. The next "Miss Ross is a square peg and the next thing she does out she goes," was that I reported the whisky activity of C. J. Crandall at Santa Fe, and I have been a marked woman along those lines. I looked at the Singleton report, or extracts from the Singleton report, and found where Mr. Abbott and Mr. Norris, when they went out to investigate Crandall, the record that Mr. Singleton made was that they examined Mr. Ferris, the financial clerk, and Miss Robinson, the nurse, not to find out what about the school, but to see if they could not find out something about Miss Ross. That is in the Singleton report. And as they go on further they say, "Miss Ross is a woman who has exceptional ability, is very much interested in Indians, and doing a great work for them," or something like that, "but she has meddled in other things, and she has reported about other things,"—just like a decent woman would be sent to a place like that up there and told "You are to close your eyes, and if you can not do it, and everybody is opposed to you, shut your mouth and draw your salary. What is it to you if those people are ruined body and soul? Shut your mouth and go on." And now I have paid penalty for it.

Senator TOWNSEND. That will be enough.

Miss Ross. I guess I have finished.

Senator LANE. There are some matters relating to general conditions which I want Miss Ross to tell about. We will take them up at the next session, and we will now adjourn until to-morrow night.

Miss Ross. I want to go back to-morrow to Ohio.

Senator LANE. To-morrow?

Miss Ross. I am here at a big expense on my own personal account.

There is one other condition I would like to refer to. [To the stenographer.] You may take this down, if you choose. Am I under oath yet?

Senator LANE. Oh, yes.

Miss Ross. I want to speak of the conditions I consider very wrong and an injury to the Indians? I am leaving the work now and this is my last say.

Pretty nearly three years ago—just three years ago—the teacher at San Ildefonso, N. Mex., in the Santa Fe Agency was asked to come up to Santa Clara. The Indians loved her beyond anything I ever saw, and she is certainly one of the best women I ever knew—one of the most thoroughly qualified for her work. She was a teacher there; she had been a public-school teacher for years, and after the death of some of her loved ones, she took up missionary work for the Congregational bureau among the Spanish-speaking people. After she had been there a year or two she felt she did not know enough about methods, and so resigned and went to the University of Chicago and took a two-years' course in sociology, and then entered the Indian Service, and I tell you she is one magnificent woman and a splendid worker, and the Indians absolutely swear by her. She has done such good work. She had been two years at San Ildefonso, and the people at Santa Clara asked to have her transferred up to them, and so she was transferred. They had a very nice building they were using then for a school building, but for some reason or other—I think because the owner of the building testified in the whisky case against Mr. Crandall—they decided not to use

that building any more, and they just moved the school into the little adobe building with a mud roof. It was very poorly lighted and not at all ventilated.

Senator LANE. Who is Mr. Crandall? He was the superintendent of Santa Fe?

Miss ROSS. No, sir; he is the "blind-tiger man." They moved them all into that little inadequate place. Most of the children have poor eyes; many of them are diseased along other lines; they are scrofulous and in bad condition. There was not the light nor ventilation, and a bad storm came on and it rained two or three days and they were just drowned out and that teacher almost lost her life. She was sick for weeks and weeks and had to be taken away, at big expense, to get over that piece of neglect. When she got so she could get up she wrote me a letter and told me about it, and asked me if I could not help her to get some other position where she could get her health back, and I at once sent her letter on to my chief. I must report all of these health conditions to my chief. I at once sent her letter on, with the recommendation that—I made a protest against the Indian children being made to suffer any such conditions as that. I said, "Why do they not get the proper kind of a place to house those children in school?" Dr. Murphy took that up with the Indian Office, and I received a letter a short time afterwards saying that they had—the plans were then underway to build a fine new school plant at Santa Clara, and the next thing I heard was in a letter I had from Miss Richardson, and she said, "Oh, we have a beautiful plant under construction here," and I have not heard from her for I do not know how long; I do not know when I have heard. I just came across some information a few days ago, which I learned came through an Indian; that the Indians knew of it and were protesting about it; and that in spite of it all the woman has had another awful sick spell, due to exposure, the rain coming down and with just a mud roof wetting everything. There was not a thing spared, and she had an awful sick spell as the result of it. These Indians have occupied that mud shack, illy lighted, illy ventilated, with that magnificent plant standing there completed for years. Mr. Brosius, the Indians have taken that point up, have they not?

Mr. BROSIUS. Yes.

Miss ROSS. That has been filed here; the information has been filed here and is on file.

Mr. BROSIUS. It was filed to-night.

Miss ROSS. That is an awful wrong to those people.

Senator TOWNSEND. Do you know why that building stood idle?

Miss ROSS. I think so. The Indians gave their reasons why. This woman has opposed immorality in the village, so the Indians say. I am right, am I?

Mr. BROSIUS. Yes.

Miss ROSS. The present superintendent took his cousin and put him into the village to suppress the liquor traffic, and that is the one village in which there are more than 300 teetotalers—where they have a fine temperance organization. He sent him in there to suppress the liquor traffic and he got drunk and gave whisky to the Indians; and he did more than that, he took a woman right there in the village and lived with her and introduced her as his—

Senator TOWNSEND. Who did this?

Miss Ross. Why, the cousin of the superintendent.

Senator TOWNSEND. Was he an employee of the Government?

Miss Ross. He was there to suppress the liquor traffic. I suppose you would call him a special agent.

Senator LANE. We have a special appropriation of \$150,000 each year for the payment of special agents who go around suppressing the liquor traffic, and I have heard of similar occurrences on other reservations.

Miss Ross. You can verify what I am saying. It is on file here in your own office. He took a woman and lived with her there and introduced her as his sister, and she was not his sister at all, and the Indians took it up and did the same thing, and they went to hunting up for promiscuous wives also, and it seems that that teacher protested with all her might against that man coming into their village, and as a result they have run on in their little mud shacks and that fine place has stood idle.

Senator, you can find out whether I am telling you the truth on that or not, because that is filed here.

Senator TOWNSEND. I can not still understand why the department would refuse to occupy that building.

Miss Ross. You are getting at the thing now that all the rest of us wonder at. That has been under our present commissioner; that has not been under some man way back yonder.

Senator TOWNSEND. Is it finished so they could use it?

Miss Ross. Oh, I suppose so; it must be. It is a beautiful building. Why should they not finish it?

Senator TOWNSEND. Is it completed?

Miss Ross. Where is that report? It is here.

Senator TOWNSEND. The report itself will show. I thought you yourself might know something about it.

Miss Ross. I have not heard from that teacher since I don't know when, because every letter she has written has been misinterpreted and she has been classed as a square peg also. So we have sort of drifted apart for mutual protection.

Senator LANE. We will now stand adjourned until to-morrow night.

(Thereupon, at 11.25 p. m., the joint commission stood adjourned to meet to-morrow. Tuesday. July 14. 1914, at 7.30 o'clock p. m.)

THE FIVE CIVILIZED TRIBES

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
SECOND SESSION

TO

INVESTIGATE INDIAN AFFAIRS

JULY 14, 1914

PART 17

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.

HARRY LANE, Oregon.

CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.

CHARLES D. CARTER, Oklahoma.

CHARLES H. BURKE, South Dakota.

R. B. KEATING, Arkansas, *Secretary*.

ROSS WILLIAMS, Arkansas, *Clerk*.

THE FIVE CIVILIZED TRIBES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C., Tuesday, July 14, 1914.

The joint commission met in its room, No. 128, Senate Office Building, at 7.30 o'clock p m.

Present: Senator Lane (acting chairman).

Present also: Redbird Smith, chief, and John R. Smith, interpreter, Cherokee Indians, representing the Kee-doo-wha Society.

STATEMENT OF CHIEF REDBIRD SMITH, OF THE KEE-DOO-WHA SOCIETY, THROUGH JOHN R. SMITH, INTERPRETER.

Senator LANE. These Cherokees want to be heard? They have been to the commissioner?

Mr. KEATING. Yes, sir.

Senator LANE. And they want——

Mr. KEATING. To present their case to the commission, I understand, Senator.

Senator LANE. How long are you going to be in town?

CHIEF REDBIRD SMITH. I don't want to be here too long.

Senator LANE. Why?

The INTERPRETER. We are short of means.

Senator LANE. You can not afford to stay long?

The INTERPRETER. No.

Senator LANE. Have you come up here to present your matter to this commission?

CHIEF REDBIRD SMITH. Yes, sir.

Senator LANE. Did you come here with the intention of presenting your difficulties to this commission or to the Commissioner of Indian Affairs?

The INTERPRETER. We presented our complaint to the commissioner.

Senator LANE. I know; but what was your intention when you came here? Your object in coming here was to present your troubles to the commissioner. Is that right?

CHIEF REDBIRD SMITH. Yes, sir.

Senator LANE. Then why did you come to this commission?

CHIEF REDBIRD SMITH. Our reason is that where we live we are crowded down, pressed down, to where we are, in a most destitute condition, and the Government being our guardian, that is why we come before the commission to present our true condition and our wishes.

This delegation would suggest that its wishes would be for this commission to visit our people to see for themselves the condition and what they want.

Senator LANE. Are any of your people destitute?

CHIEF REDBIRD SMITH. Yes, sir.

Senator LANE. How many did you tell me there were of your people in Oklahoma where you live?

CHIEF REDBIRD SMITH. Yes, sir; in Oklahoma.

Senator LANE. How many?

CHIEF REDBIRD SMITH. We have enrolled about 2,400.

Senator LANE. Two thousand four hundred?

CHIEF REDBIRD SMITH. Yes; men, children, and women.

Senator LANE. Enrolled into a society?

CHIEF REDBIRD SMITH. Yes; the Kee-doo-wha Society.

Senator LANE. What does that mean? What does that word mean?

The INTERPRETER. That means several things to come together as one.

Senator LANE. Working for a common object? Is that what you mean?

The INTERPRETER. This word?

Senator LANE. Yes.

The INTERPRETER. That is all we know what it means; several things to come together as one.

Senator LANE. I see; a kind of "get-together club." Then your condition is unsatisfactory?

CHIEF REDBIRD SMITH. Yes; it is not satisfactory, and it is a hardship on us that we can not labor under, under the present conditions.

Senator LANE. You think it will result in the extermination of your tribe?

CHIEF REDBIRD SMITH. Yes, sir.

Senator LANE. Now, the Government has paid you for your lands, has it not, and dissolved you as a tribal organization?

CHIEF REDBIRD SMITH. Yes, sir.

Mrs. KELLOGG. As I understand it, Senator, it is not entirely paid. It is allotted them, and they still have some funds. Some of these people have drawn the funds instead of the land, and some have not. It is not entirely completed, as I understand it. Is not that true?

The INTERPRETER. Well, some of them have land. Some of them didn't get no land; they got money instead of land. Some of them didn't get no land, neither money, and didn't even get all the land.

Senator LANE. Some of these 2,400?

The INTERPRETER. Yes; the most of these 2,400.

Senator LANE. They were left off the rolls?

The INTERPRETER. That is, I mean what is left off belongs to this society.

Senator LANE. Now, did not the Government some years ago dissolve the nation?

Mrs. KELLOGG. Yes; they have just recently dissolved the whole Cherokee tribal relationship.

Senator LANE. This gentleman you are talking to is a chief, is he?

CHIEF REDBIRD SMITH. Chief of the Kee-doo-wha Society.

Senator LANE. Is he one of the tribal chiefs? Is he a Cherokee chief?

Mrs. KELLOGG. He is the head chief of the several clans of the Kee-doo-wha Society—a religious organization.

CHIEF REDBIRD SMITH. Not of the Cherokee Nation, but of the Kee-doo-wha Society.

Senator LANE. It is a sort of religious society, is it?

CHIEF REDBIRD SMITH. Yes, sir.

Senator LANE. What religion are they working for? Are they Christians, or not?

CHIEF REDBIRD SMITH. To worship God and live up to God's law. We, as a God-fearing people, believe God has made law for the red race of people, and given the color and language and the ways of worship. That is God's law.

Senator LANE. Is it any different from the law He gives to the white men?

CHIEF REDBIRD SMITH. And the white man's religion was given by God, and the color, and the language, and the ways to worship God, and that is his. That belongs to the white man, and I respect that, and also I want my own to be respected.

Senator LANE. Then you do not follow the same doctrine as the white man? I am only asking this for information—not criticizing you at all.

CHIEF REDBIRD SMITH. No; we are not following the white man's religion. We respect it as a brotherhood, as one Father.

Mrs. KELLOGG. Let me add this: In their society they prohibit liquor and are absolutely effective about it. They do not allow their society to dissipate. They will not allow illegitimacy nor mixing with the colored or pale-faced people.

Senator LANE. Now, then, as a religious association and for your benefit financially, you wish the Government to allow you to organize this society and secure lands for yourselves and go there and live there? Is that right?

CHIEF REDBIRD SMITH. Yes.

Senator LANE. As I understand it, you wish the Government to assist you in this by giving you lands?

CHIEF REDBIRD SMITH. Yes.

Senator LANE. That is what you came here for?

Mrs. KELLOGG. They did not understand that. They already have the land. They want the Government to take back these allotments and sell it as a whole and buy them some other property, for them to have the title in their own name, to have a community property.

Senator LANE. Is that right?

CHIEF REDBIRD SMITH. Yes.

Senator LANE. That is what it is?

CHIEF REDBIRD SMITH. And if it so that the Government can do that, we wish the Kee-doo-wha Society to say where they should be located.

Senator LANE. Well, have you selected any place that you prefer?

CHIEF REDBIRD SMITH. We have not; but, then, if that is granted by the Government, we can investigate and locate a suitable place.

Senator LANE. I see. The Kickapoos took a great liking to Mexico and moved down there, about a thousand miles inside of the boundary line. Would you like to go down in that country?

CHIEF REDBIRD SMITH. No; we would not like to go to Mexico.

Senator LANE. All right, gentlemen. Now, then, the Kickapoos, you may tell your father, did not like the white man's ways, nor his

religion, and a whole lot of other things about him, so they packed their grips and struck out for the interior of Mexico.

CHIEF REDBIRD SMITH. Well, we don't dislike the white man's ways. We are only contending for our rights.

Senator LANE. As I understand you, you have not enough money to stay here very long and use up much time in presenting your petition. Is that true?

CHIEF REDBIRD SMITH. Yes; we want to be on as little expense as possible. We are from the very poorest class of people, and can not afford much expense.

Senator LANE. And you came here especially to present this petition to secure this right?

CHIEF REDBIRD SMITH. Yes, sir. We would be more glad to see the Government commission come there amongst us and see the exact, true condition and the wishes of the people. It is the main thing we would be glad to see.

Senator LANE. The main thing was to get the commission to go down there?

The INTERPRETER. Yes.

Senator LANE. This commission?

The INTERPRETER. Yes; to see if that is the condition.

CHIEF REDBIRD SMITH. If the commission should so decide to visit us, this society would get together at one place somewhere and come in.

Senator LANE. Well, I will say to you that this commission has not the power to grant your wishes. All the commission could do would be to recommend it to Congress, and I presume that the commissioner himself—Commissioner Sells—has not the authority to give you what you ask. It would have to be done by an act of Congress. I think I am right in that, although I am not sure. So it will be slow.

(The foregoing statement was interpreted to Chief Redbird Smith.)

Senator LANE. Now, you people having been allotted your lands, you are citizens now, are you not, and voters?

CHIEF REDBIRD SMITH. We have not voted since statehood.

Senator LANE. But you could vote if you wanted to?

CHIEF REDBIRD SMITH. Yes.

Senator LANE. Are you held as wards of the Government?

CHIEF REDBIRD SMITH. Yes.

Senator LANE. Can you sell your property?

CHIEF REDBIRD SMITH. Yes; we can sell portions of it. They are selling land all the time.

Senator LANE. And give deed to it?

CHIEF REDBIRD SMITH. Yes.

Senator LANE. Why don't you sell your land and go and form your society?

The INTERPRETER. We could not sell all of our land.

Senator LANE. Why?

The INTERPRETER. That is the way they hold us.

Senator LANE. Then here are people, as I understand it, who are held as wards in part. Their property is held for them by the Government. They have no right to sell it and dispose of it and go and form their association and move off to themselves. Is that right?

The INTERPRETER. They can sell certain portions of it; that is, the surplus land, but the homestead we are not allowed to sell.

Mrs. KELLOGG. The holdings in Oklahoma are different from other holdings.

Senator LANE. Are these what they call restricted Indians?

Mrs. KELLOGG. Are you still restricted since this new law went into effect?

The INTERPRETER. I don't know anything about that.

Mrs. GREY. The restrictions were just removed the 1st of July. An order was made to sell all of the tribal land, and they have \$15 apiece that will come to every member of the tribe. I think they can sell everything excepting their homesteads. There is a restriction on the homesteads.

Senator LANE. Then they are partly restricted and partly unrestricted?

Mrs. GREY. No; they are entirely unrestricted excepting that one thing. The tribe is no more a tribe.

Senator LANE. It is an ex-tribe, but they have not become full-fledged free men yet?

Mr. KELLOGG. Senator, they are given trust patents and not fee patents. They can not do that until the time expires.

Senator LANE. How long is that?

Mr. KELLOGG. I do not know.

Senator LANE. I was in the committee room of the Committee on Claims the other day, and there came in a claim against the Government for, I think, about \$1,000,000, and the Government had an offset to it of \$1,000,000, one of \$500,000 against the State of Georgia, and the same amount against the State of Tennessee, where many, many years ago, sometime before the Civil War, they loaned those States \$1,000,000 of Cherokee money, and I have been unable to get track of it in the department yet. They say they will have to go through all the old files and books to find out where that is. It has been lost sight of, you know, by the Indian department.

I will present this matter to the commission here, and also the commissioner, myself. I do not know what they will do about it.

(The foregoing statement was interpreted to Chief Redbird Smith).

Senator LANE. How many days are you going to remain in town?

CHIEF REDBIRD SMITH. Well, we want to go right away.

Senator LANE. What do you mean by "right away"? To-morrow, or the next day?

CHIEF REDBIRD SMITH. Yes; we would like to go to-morrow or the next day.

Senator LANE. How long have you been here?

CHIEF REDBIRD SMITH. We came here on the 2nd.

Senator LANE. I presume, so far as your matters are concerned, you may as well go.

CHIEF REDBIRD SMITH. Under the present condition our lands, when an allotment is sold they have them divided up among the heirs of the allotment, and our coming generation, the way it is going, will have no homes, no lands. So if we can sell our allotments and buy a piece of land somewhere, and live there in common as a whole, we would have a home for the coming generation, all equal. That is the intention—to make a living as far as we can.

SENATOR LANE. All right. I suppose that as far as this commission is concerned, and anything they can do for you, you may go home any time you want to. I will present the matter to them.

(The foregoing statement was interpreted to Chief Redbird Smith.)

SENATOR LANE. We have no authority. We would have to present it to Congress.

MRS. KELLOGG. This delegation wants to go back with a definite message.

SENATOR LANE. What did Commissioner Sells tell you to do?

CHIEF REDBIRD SMITH. We asked the commissioner to segregate the Kee-doo-wah Society, and he answered that we were citizens of the United States, and told us that he did not see it was necessary to send any commission out there to investigate. He said the only way he seen for us to do was just to go on living like a white man.

SENATOR LANE. Do you want to do that?

CHIEF REDBIRD SMITH. No, sir.

(Thereupon at 8:15 o'clock p. m. the joint commission proceeded to the consideration of other business.)

THE CREEK NATION
SERIAL ONE

HEARINGS

BEFORE THE

JOINT COMMISSION OF THE
CONGRESS OF THE UNITED STATES

SIXTY-THIRD CONGRESS
THIRD SESSION

TO

INVESTIGATE INDIAN AFFAIRS

DECEMBER 16, 1914

PART 18

Printed for the use of the Joint Commission



WASHINGTON
GOVERNMENT PRINTING OFFICE

1914

CONGRESS OF THE UNITED STATES.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS.

SENATORS :

JOE T. ROBINSON, Arkansas, *Chairman*.
HARRY LANE, Oregon.
CHARLES E. TOWNSEND, Michigan.

REPRESENTATIVES :

JOHN H. STEPHENS, Texas.
CHARLES D. CARTER, Oklahoma.
CHARLES H. BURKE, South Dakota.
R. B. KEATING, Arkansas, *Secretary*.
ROSS WILLIAMS, Arkansas, *Clerk*.

CREEK NATION.

PART 18, SERIAL NO. 1.

WEDNESDAY, DECEMBER 16, 1914.

JOINT COMMISSION TO INVESTIGATE INDIAN AFFAIRS,
Washington, D. C.

The joint commission met in the committee room of the Committee on Indian Affairs of the United States Senate, Capitol Building, at 2 o'clock p. m.

Present: Senators Robinson (chairman), Lane, and Townsend; Representatives Stephens and Burke.

The CHAIRMAN. Judge Allen, attorney for the Creek Indians, is present and desires to present two matters of interest to this commission.

STATEMENT OF HON. R. C. ALLEN, ATTORNEY FOR THE CREEK NATION.

Mr. ALLEN. Gentlemen, I want to present to this commission the reasons why I think a joint resolution introduced in the House by Mr. Murray and in the Senate by Senator Owen should be enacted into law; also why a resolution that has the sanction of the Indian Department, and which will be introduced this afternoon in the Senate by Senator Owen, should be enacted into law.

Representative BURKE. What is there about this proposition that brings it before this joint commission, which does not initiate or report legislation, instead of having it presented to the committees of the House and Senate that have the jurisdiction of the subject?

The CHAIRMAN. I will answer that. As to one of the matters, at least, a very extensive investigation will be necessary before the facts can become known. It may not be necessary so far as the passage of the resolutions is concerned, but it is necessary as to the obtaining of the facts, and that necessity will appear as we proceed.

Representative BURKE. This has only come to my notice for the first time to-day. I find it is a joint resolution, and I infer, from what Mr. Allen stated in his brief preliminary, that he was to make an argument on the supposition that this was a committee, sitting here with authority to act with reference to this resolution.

The CHAIRMAN. He understands that this commission only has power to recommend and that it has no power to report legislation.

Mr. ALLEN. I simply want to get the members of this commission interested in the passage of this resolution, if they feel about this matter as I do.

Representative STEPHENS. This is now before both committees, the committee in the House and also in the committee in the Senate.

Mr. ALLEN. I came here at the invitation of Senator Robinson.

The CHAIRMAN. Mr. Allen was talking to me about it the other evening. He said he wanted to present the matter to some tribunal that would hear it. I told him we would give him a hearing before this commission. One of these resolutions contemplates an extended investigation. I do not know whether it would be possible for this commission to make the investigation or whether it will only recommend that legislation for a special investigation be made.

Representative BURKE. Suppose this commission should hear Mr. Allen, at much length, and it should conclude, in its wisdom, that the enactment of the resolution was desirable: then the resolution comes before the Senate Committee on Indian Affairs, which it would have to be in order to be reported—

The CHAIRMAN. Certainly.

Representative BURKE. And some Senator, not a member of this commission, who was seeking light, wanted to know something about it. Would not the matter have to be gone over again?

The CHAIRMAN. That is true of any investigation this commission makes that contemplates legislation. If we were to make investigations on the theory that some other tribunal might also investigate it we would never get any investigation completed.

Representative BURKE. I do not want to be technical, but I do not want to spend a lot of time on this matter in one tribunal when I will have to spend an equal amount of time in another one. Here is a proposition that is pending in Congress—

The CHAIRMAN. At the time he was speaking to me about it there were no propositions pending. We discussed the propriety of it, and upon the faith of his statement to me as to what the facts were, I suggested to him that he either have the resolutions introduced or legislation introduced covering it, so as to get the matter before Congress.

One of the matters he wished to refer to or has in mind relates to what he alleges to be the double enrollment of a large number of Creek Indians, by which property to the value of many millions of dollars has passed into the hands of certain Indians who had already been allotted. That is certainly a matter proper here and appropriate to the investigation of this commission. Here is a chance to recover back something; here is a chance to make an investigation that will aid the Government in preserving a part of the assets of this tribe of Indians. I think it is of infinitely more importance to make that sort of an investigation than to make one that would be fruitless.

Representative BURKE. If the statement he wishes to make is for the purpose of bringing to this commission a subject that he thinks the commission ought to investigate, that is a different proposition; but I understand him to say that he is here to make an argument in favor of the passage of this resolution.

The CHAIRMAN. I do not think it makes any difference what his purpose is in bringing the facts before the commission. If the facts concern a matter that ought to be investigated by the commission, then we will determine whether or not we should investigate it further. That is my idea. Of course, if the commission does not want to hear him, that is the end of the matter. I think from the state-

ment he made to me that somebody should hear him in order to get the matter before Congress.

Mr. ALLEN. I want to say this briefly, Mr. Burke: That I have been treated in a spirit of absolute fairness by every member and with more consideration than anyone deserves by the chairman of both the House and Senate committees. I am not complaining. I do not want this appearance to be indicative of any complaint of my treatment by either of those committees. I have not urged a meeting of either of the committees upon this special program. I believe that there is now great danger of millions of dollars' worth of property that now belongs to the Creek Nation either being lost ultimately, and soon, to the tribe as a whole or to individual members of the tribe. I believe that by Congress giving assent to this program I can recover for the Creek Nation, within a period of the next year or so, several millions of dollars, and I want to get the support of every man that I can for this proposition.

Representative STEPHENS. The first sentence of this resolution, I think, indicates that the Secretary of the Interior has the right to make this investigation himself. I find in this resolution this:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made an investigation concerning duplicate and fraudulent enrollments and allotments of members of the Creek Tribe of Indians in Oklahoma.

Has he not already the right to do that? And you appropriate later in this paper \$25,000.

Mr. ALLEN. Yes, sir.

Representative STEPHENS. Is there not a sum that we appropriate in all of our annual bills, a lump sum that can be used for this purpose?

Mr. ALLEN. There is not a dollar available for this purpose.

Representative STEPHENS. That can be used for an investigation of this kind through the department or through its agent?

Mr. ALLEN. No, sir.

Senator TOWNSEND. The way I look at it is this: I see the point from Congressman Burke's standpoint, that so far as the passage of this resolution is concerned this commission is not so much interested in that as it is in the facts. The witness has already stated that the Creek Indians are in danger of losing their property. That must be because of some fraud or mismanagement somewhere. This commission is interested in knowing those things. So far as that is concerned, if there is anything going on out there with reference to these tribes, or the individuals, why, this commission should know that, because that is one of the things it was created to determine; although, I say as Mr. Burke says, that we are not particularly interested in some resolution pending in Congress, unless there is back of this something that ought to be disclosed.

The CHAIRMAN. That is exactly what I thought about it. We have nothing to do with the resolution, unless it subsequently appears that they are in the proper form and will accomplish the thing we think ought to be accomplished.

Representative BURKE. So far as I have been informed, I have been very strongly of the opinion that the resolution similar to this ought to be passed and reported. I have not learned very much that would seem to indicate that there would be any serious objection to

it; but I can not see why this commission should be sitting on this resolution any more than on any other bill.

The CHAIRMAN. We are not sitting on the resolution. We are sitting for the purpose of hearing a statement of facts. He has seen fit to bring the matter up in that way, and that is all there is about that. I did not even know that the resolutions had been prepared, nor did I know what form they had taken. I suggested to him that if his statements to me were correct, there ought to be some congressional action, and a mere investigation would not be sufficient.

Shall we hear Mr. Allen or not?

Senator TOWNSEND. I think we ought to hear him, Mr. Chairman, as long as you have called him here. We can see where the thing drifts, and we can tell after a while whether it is a matter that we care to discuss.

Representative STEPHENS. How long will it take you, Mr. Allen?

Mr. ALLEN. I am going to consume but a very little time.

Senator LANE. I do not know anything about this resolution. I have not seen it. I do not know what it purports to be or intends to do; but if he has any facts to present which are of any benefit to the situation we are investigating I believe that we should give him free license to go ahead and state them.

The CHAIRMAN. Shall we hear Judge Allen for a while?

Representative STEPHENS. It strikes me, Mr. Chairman, that we will be duplicating work, but I am perfectly willing to spend a few minutes on it.

Mr. ALLEN. I am willing to do whatever this commission wants done. I want to familiarize this commission with the matter as much as I can.

The CHAIRMAN. You may proceed with your statement. You need not present the resolution, but you may just state the facts.

Mr. ALLEN. In the Creek Nation, gentlemen, lies the Cushing oil field, the Glenn pool, and nearly all of the oil-producing pools of that State. There is at least three-fourths, and maybe more, of the oil that is produced in Oklahoma to-day produced in the Creek Nation. During the last 10 years there has been sold approximately \$500,000,000 worth of oil from the Creek Nation alone.

When these lands were allotted, what is now the Cushing field, the most valuable oil-producing field in America, probably, was considered of little or no value, and there were very few of the citizens of the Creek Nation that selected allotments in that vicinity. Congress authorized the arbitrary enrollment of those who refused to receive an allotment or to select an allotment, which resulted in an arbitrary allotting of nearly the entire Cushing field. Hundreds of Indians and of freedmen who had received allotments in other sections of the Creek Nation under their Indian or their English names were found upon the old 1890 and 1895 rolls, and the Dawes Commission, finding that those names had not been contained in a list of the citizens who had selected allotments, arbitrarily allotted them. In that matter many have received two allotments and several have received three allotments. A great many have been allotted who were living in 1890 and 1895 but who died prior to April 1, 1899.

It is to recover those allotments that we are instituting suits in the United States Court for the Eastern District of Oklahoma.

Several years ago a suit was brought by the Creek Nation to recover the allotment of Barney Thlocco, upon the theory that he had died prior to April 1, 1899. Numerous citizens in the Creek Nation made affidavit and some appeared before the commission and testified that he died prior to April 1, 1899. Upon that proof the suit was brought. There was no answer, and judgment by default was entered against the heirs of Barney Thlocco, canceling that allotment. About that time it was proven of oil value by the production in that vicinity, and then numerous people, claiming to represent Barney Thlocco as his heirs, came in and filed a motion to vacate and set aside that judgment. The judgment was vacated and set aside.

Senator TOWNSEND. In what court was that brought?

Mr. ALLEN. In the United States Court for the Eastern District of Oklahoma. That case is now pending. Three wells have been drilled into the sand on that allotment. They came in with flush productions of seven and eight thousand barrels a day each. The man who is operating that property testified not long ago, under oath, in the United States court at Muskogee, that it would support 36 wells, and that he could see no reason why any of them would fall short of the wells already drilled in and upon the premises.

Representative STEPHENS. What was the number of acres?

Mr. ALLEN. One hundred and sixty acres. The estimated value of that allotment is \$2,000,000.

On the roll opposite the name of Barney Thlocco, who was arbitrarily given this allotment, was the notation: "Dead, 1900." Several of the men, including the United States superintendent at Muskogee, will swear that that is the word that appears there. Recently in looking over those records we discovered that instead of the word "Dead, 1900" is the word "Died, 1900." In that case there are some 75 citizens of the Creek Nation who are claiming to be the heirs of Barney Thlocco, all claiming under different rules of descent.

Some time ago, by virtue of the fact that some of those people were conflicting with others in the testimony they were giving on other points, it was seen that they were going to be confused to such an extent that their testimony would not be believed as to the date of the death of Barney Thlocco. They all had a meeting at Muskogee; they went into the United States court and secured an order from the court—and I think the court properly made the order—permitting them to withdraw all of their answers and file one joint answer joining issue with the Creek Nation upon the question of the date of the death of Barney Thlocco, and then, in the event of the defeat of the Creek Nation in that case, to litigate among themselves the question of who are the heirs of Barney Thlocco.

I think, conservatively, there has been spent in the employment of detectives and of special agents by the defendants in that case over \$100,000 to-day, besides the employment of the best legal talent in Oklahoma. There are at least 25 of the leading lawyers in that State in the case on the side of the defendants to defeat the claim of the Creek Nation.

Representative BURKE. Is there any question involved in that litigation other than the fact as to the date when this allottee died?

Mr. ALLEN. We recently went to the circuit court of appeals in the *Hawkins* case, *United States v. Hawkins*, and I have the opinion

here. The court in that case held that where the allottee was dead at the time of the issuance of the certificate that no title had passed out of the Creek Nation. Before the rendition of that opinion all of the defendants had filed their answers in this case, in which they had alleged that he died in May, 1899, three or four years before the issuance of the certificate. If the circuit court of appeals does not reverse itself, or is not in turn reversed by the Supreme Court of the United States, we can win it upon the law. But I think it is dangerous to undertake to stand upon the law in the case.

Representative BURKE. I do not want to interrupt your argument, but is the purpose in stating what you have just stated that you want Congress to authorize the use of some of the Creek funds in order to more effectively prosecute that suit? Is that your proposition?

Mr. ALLEN. Yes, sir.

Representative BURKE. Is there anything else involved in it that suggests your presenting it here at this time?

Mr. ALLEN. That is all; and to show to the commission what is being done by the defendants in this case to defeat the Creek Nation.

Senator LANE. Who are the defendants, please?

Mr. ALLEN. There are 60 or 75 of them.

Senator LANE. Are they Creek Indians or white men?

Mr. ALLEN. Of course they are all Indians.

Representative BURKE. Negroes, mostly, are they not?

Senator LANE. But they are all members of the nation?

Mr. ALLEN. Yes; they are all citizens of the Creek Nation. Nearly all of them, though, have either sold or leased to oil companies.

The CHAIRMAN. Is there any effort being made to conceal the testimony or to confuse the Government in its effort to get testimony?

Mr. ALLEN. We think so; and a number of the witnesses who testified heretofore and made affidavits that Barney Thlocco had died prior to April 1, 1899, are testifying that they never made such affidavits and that the fact is that he died in May, 1899. They are in the pleadings in that one case.

The CHAIRMAN. How many cases are there, all told, that are prospective or that have already been brought?

Mr. ALLEN. Fifty-four that I now have on my desk in Muskogee, and you could not pile the papers in those cases on the table here.

The CHAIRMAN. Do you know whether there are other cases necessary to be brought or not?

Mr. ALLEN. I think so. They keep coming in my office at the rate of five or six a week.

The CHAIRMAN. In talking this matter over with me, you will recall, you said it would be necessary to have a considerable fund for the investigation of these cases.

Mr. ALLEN. I am going to reach that in just a moment.

The CHAIRMAN. Very well; go ahead in your own way, then.

Senator TOWNSEND. Do you claim that there was anything irregular in the action of the department in forcing the allotment upon these Indians?

Mr. ALLEN. I claim that in doing it they allotted to many of the Indians in the Creek Nation who had received allotments and many who had died prior to April 1, 1899. They acted honestly in making these allotments, however.

The CHAIRMAN. Explain to Senator Townsend how they came to do it.

Mr. ALLEN. The commission met at Okmulgee the day before the ratification of the agreement of 1901, I believe it was. They found that every citizen of the Creek Nation who was not enrolled before the ratification of that agreement would thereafter be deprived of the right to an allotment in the Creek Nation. They took the old 1890 and 1895 rolls of the Creek Nation, and they put on those rolls—on the roll approved by the Creek council—every person that they could find on either the 1890 or 1895 rolls who had not selected allotment. In that way they enrolled thousands without any evidence at all as to their present status.

Representative BURKE. That was probably on the theory that they could eliminate, but if they did not enroll them it would be too late to enroll them at some future time.

Mr. ALLEN. Yes, sir.

Representative BURKE. There were a number of Indians or citizens in all of those nations, some of whom were denominated as "Snakes," that refused to accept allotments, and the commission had to arbitrarily allot them. Is that not true?

Mr. ALLEN. Yes; and it was upon the theory of the refusal of those "Snakes" to accept an allotment that that authority was granted.

Representative BURKE. And in this matter that you are now discussing, at the time the lands were allotted, they were of very little if any value: that is, they were not valuable lands, were not known to be valuable?

Mr. ALLEN. That is the reason they were not selected.

Representative BURKE. You do not claim any irregularity as far as any officials of the Government are concerned, in a way that would suggest malfeasance in office, do you?

Mr. ALLEN. I am not impugning the motive of any officer of the Government who made those allotments.

Representative BURKE. I understand. You are simply discussing the conditions that exist there, and you think we would be justified in using some of the Creek Nation funds to conduct an investigation and carry on litigation which would be desirable to the interests of the nation?

Mr. ALLEN. Yes.

Senator TOWNSEND. Do you think that they acted within their legal powers?

Mr. ALLEN. I think so. But, like a court, where they made mistakes, those mistakes can be corrected, but only by the decree of a court of competent jurisdiction. I do not think the Secretary of the Interior has any right to cancel a single one of those allotments. I know he has not.

Representative STEPHENS. Is it not true that a great many of the Indians have both English names and Indian names, and that these duplications came up, in many instances, by giving an Indian an allotment in his English name and afterwards giving him an allotment in his Indian name?

Mr. ALLEN. Yes. I am going to bring up one of those instances in just a moment.

Representative STEPHENS. That is what I thought.

Mr. ALLEN. Following up this Barney Thlocco case, a freedman by the name of David Bowlegs filed upon this allotment. Upon the affidavit of the mother of David Bowlegs and numerous other affidavits, to the effect that he was not living and that this man who had tried to file was Davis Bowlegs, and that he was impersonating Davis Bowlegs, his name was stricken from the roll.

Senator TOWNSEND. Whose name?

Mr. ALLEN. The name of David Bowlegs. Mr. Mott and Mr. Meserve and other lawyers representing David Bowlegs recently filed a mandamus proceeding in the Supreme Court of the District of Columbia to compel the Secretary of the Interior to allot to David Bowlegs the Barney Thlocco lands upon the theory that the Secretary of the Interior was without authority or power to strike his name from the roll, and that this allotment deed is void which was issued to Barney Thlocco, and that it being a part of the domain of the Creek Nation, as a citizen of that tribe he has a right to allot it. The Supreme Court of the District of Columbia decided that case adversely to David Bowlegs and he has appealed to the court of appeals. He says that he is coming to the Supreme Court of the United States with that case. Numerous others are contemplating like procedure now.

The Emma Coker case is another case of vast importance. That allotment is worth approximately \$1,000,000. One Lula Butler, a Creek freedwoman, has tried to file upon that allotment. Emma Coker was allotted under the name of Hettie Lena.

Representative STEPHENS. Was that her Indian name?

Mr. ALLEN. That was her English name. She drew her allotment in 1895 under her Indian name of Emma Coker. The Dawes Commission at Okmulgee, finding that name upon the roll, furnished her an allotment in the Cushing field. We are bringing suit now—I have the bill prepared but have not filed it—to cancel that allotment. Lula Butler, as a Creek freedwoman, as I say, has tried to file upon that allotment; also a minor freedman by the name of Quentin Garrett has filed upon a portion of this allotment. I have yesterday's Times-Democrat, which contains this notice:

W. V. Thraves bought two 20-acre filings at the court sale in Muskogee, paying therefor \$100 bonus and one-fourth royalty, agreeing to pay the costs of any suits in defense of the title. One is a part of the Tommy Atkins allotment in section 4-18-7 and the other the Emma Coker allotment in section 16-18-7. Mr. Thraves holds considerable interest in the Barney Thlocco litigation through a lease on 150 acres from Jack E. Wilson.

The Thomas Atkins allotment is worth \$1,000,000. All of the people that are trying to file, and that I am trying to keep from filing, have already sold or leased their interest in the Creek Nation.

Senator TOWNSEND. Who has charge of the filing?

Mr. ALLEN. The Dawes Commission at Muskogee. The Secretary of the Interior has power to review it.

Senator TOWNSEND. Does he know about these facts?

Mr. ALLEN. Yes. He is urging immediate action upon these joint resolutions, withdrawing them from allotment.

Representative STEPHENS. This resolution does not do that.

Mr. ALLEN. The Secretary of the Interior is declining to permit them to file upon these allotments.

Senator TOWNSEND. That is what I was going to say, that he can protect them.

Representative BURKE. I presume the theory of Judge Allen is that no matter if the Secretary does that, if the applications are within the law they might acquire a vested right.

The CHAIRMAN. The question is whether or not the lands, which have a great oil value, as he has stated, should be permitted to be allotted by any individual member of a tribe or whether they should be held as an asset of the tribe.

Representative BURKE. As you know, there has been an effort made to take two or three million dollars out of the Treasury of the United States to equalize the Creek allotments on the basis of \$1,040 because of the fact that there were a lot of newborns there, and it was claimed there was not enough land left; that there were lands that were allotted fictitiously or erroneously 10 or 12 years ago. My notion would be, offhand, that instead of allotting them now to claimants who may have a technical right that they ought to belong to the tribe as a whole; that they could be sold to produce the money necessary to make up the equalization, instead of coming to the Federal Treasury and asking us to do it. Another thing: it was never intended for people to be permitted to take an allotment of land worth \$2,000,000. If there is any way to save this property for the nation, it ought to be done.

The CHAIRMAN. Their proposition is that the Secretary of the Interior has no discretion in the matter. When they apply they have the legal right and they acquire it. If that is the case, somebody ought to act promptly. My information is that in all probability a decision in the Barney Thlocco case will be rendered very soon, in which event they expect to immediately have their rights fixed under the present law.

Mr. ALLEN. They can secure vested rights through filing.

Representative BURKE. And have those persons who are seeking these allotments any rights different from those of the thousands of applicants that are down there in the Five Tribes seeking to get on the rolls? In other words, was not the enrollment complete under the legislation that was enacted for the allotting of that land, so that everybody is supposed to have been allotted?

Mr. ALLEN. These people have a different status, by reason of the fact that they are enrolled citizens of the Creek Tribe.

The CHAIRMAN. And they are entitled to allotment.

Mr. ALLEN. We are contending that this David Bowlegs is an impersonation of the real David Bowlegs, and that he is not entitled to allotment; but as to Quintin Garrett, as to Lula Butler, and as to Jack Elton Wilson, they are newborn freedmen, who filed upon some other land. They had a contest over their allotment that resulted adversely to them.

Representative BURKE. Assuming there is no dispute at all, and that these lands were open to be disposed of without action by Congress, are they eligible to be allotted under existing law?

Mr. ALLEN. Yes; I think so; unquestionably.

Representative BURKE. We included in the Indian appropriation bill passed in the last session of Congress authority to enroll a number of them.

Mr. ALLEN. Sixty-five.

Representative BURKE. There were a number in the tribes, and among them 65 in the Creek Nation. Wasn't that because they were

entitled to allotment, but had been overlooked, and we authorized that they might be enrolled?

Senator TOWNSEND. Those were ones found to be entitled to enrollment, but who did not get in in time.

Representative BURKE. Yes. They are not enrolled and these are. Is that the idea?

Mr. ALLEN. I will explain that. I knew at that time the value of these lands. I had not been attorney for the Creeks at that time very long. I did not know there was an unallotted citizen in the Creek Nation, and in providing for those 65 I provided in that amendment that they should receive, in lieu of allotment, \$800 in cash. That keeps them from getting an allotment.

Representative BURKE. I want to ask you one question, because it is on my mind. Would it be feasible to permit the lands that are unallotted in the Creek Nation—would Congress have the power to legislate that the surface might be allotted?

Mr. ALLEN. I have no objection to that.

Representative BURKE. That could be done, could it not?

Mr. ALLEN. It has been done with the Chickasaw, Choctaw, and Osage people. If that had been done in the beginning with the Creek Nation the Creek Indians would now be the wealthiest tribe of Indians in the world.

Representative STEPHENS. Would not that be a question of a resolution? Could we not pass a resolution in both Houses that would have the effect of law, that hereafter all allotments made to Creek Indians should be surface allotments and should not carry either coal, oil, or asphaltum?

Mr. ALLEN. That would be entirely satisfactory.

The CHAIRMAN. One of those 160-acre tracts has 36 wells on it. It would not be a very attractive proposition if you only got the surface. Of course it is the coal and oil that they want.

Representative STEPHENS. Would not that reach the very vital point you are after, a resolution of that kind? I do not think a resolution of that kind would meet with any opposition in either branch of Congress, because they have followed that policy in the Choctaw and Chickasaw country. The general idea of conservation all over the country is to reserve to the United States Government and the Indian tribes the coal, oil, asphaltum, etc. Would that not be a happy solution of this matter?

Mr. ALLEN. It would meet with just as much opposition as the present bill is meeting with.

Senator TOWNSEND. You have stated that there have been duplicate enrollments. Has that been a matter of good faith, just simply a mistake made in doing it, or has there been fraud employed in enrolling these people under those names?

Mr. ALLEN. It has been a matter almost entirely of mistake, I think. I can say to the credit of the men who have been engaged in the work at Muskogee that there never has been any intimation of fraud flowing from the administration of affairs by the Indian officers there. I think that they acted in perfect good faith, as did also the Indians. They were given these allotments without their knowledge or consent.

The CHAIRMAN. They were really forced on them.

Mr. ALLEN. They were just arbitrarily allotted.

Representative BURKE. Assuming there were a good many of them, as I presume there were, were they not mostly corrected by voluntary acts on the part of the allottees or by subsequent action of the department?

Mr. ALLEN. In this Emma Coker case, she came into the department voluntarily and offered to surrender the Emma Coker allotment, and that is worth over a million dollars.

The CHAIRMAN. She did that after it became worth that much?

Mr. ALLEN. After it became worth that much.

The CHAIRMAN. That is very gratifying.

Representative BURKE. About how many cases do you think there are?

Mr. ALLEN. I have some evidence in 54 cases, and I think a thorough investigation will disclose between 150 and 200 cases, probably, in the Creek Nation. I made a speech to the Creek Council, in which I urged every member of the council to give me all the information he could obtain in his community as to the duplicate allotments of members. Since that time Emma Coker and a number of others have voluntarily come in.

Representative BURKE. Of that number how many are there where claims are being made on the part of persons who are seeking to have the land allotted to them?

Mr. ALLEN. Four.

Representative BURKE. Only four?

Mr. ALLEN. Four. There are only four unallotted citizens in the Creek Nation.

Representative BURKE. There are only four unallotted citizens?

Mr. ALLEN. Yes.

The CHAIRMAN. They are all after it, are they not?

Mr. ALLEN. Yes. They would give \$10,000 apiece to find some more, but they can not be found.

Representative BURKE. I want to ask one more question while we are on the subject for information. Assuming that these people are entitled to allotment, and assuming that the law gives them the land where they claim it, then, what can they do, under the law, with regard to disposing of it, leasing it, or selling the right to take the oil from it, etc., without the supervision or the authority of the Government?

Mr. ALLEN. These are freedmen, and they are not restricted.

Representative BURKE. They are not restricted?

Mr. ALLEN. They have already sold. They would not be benefited now by legislation that would permit them to receive these allotments.

There is just one more case, that of Thomas Atkins, a case that I think is one of the most flagrant cases that we have in the Creek Nation. In that case there are some 20 witnesses who have already testified that he is the son of Minnie Atkins; she has testified positively that she gave birth to this child, giving the time and circumstances. There are about as many witnesses who have sworn positively that he is the son of Nancy Atkins. Nancy Atkins swears that she gave birth to him and gives the circumstances, the time and place. They both swear that he is dead, and the oil companies

have leased from both of these mothers. He has four fathers and two Thomas Atkins have executed leases. This allotment is worth \$1,000,000.

I think, gentlemen, if we are to be benefited by legislation that we must get it soon. I wish that this committee could go to this oil field, when this Congress adjourns, summons before it some of the oil companies who are operating in the Creek Nation, and get, at first-hand, the character of their dealings in Indian lands in that nation. I believe it would be an education to this committee that would be worth the trouble and the expense of the trip.

Senator TOWNSEND. What do you know about the character of it?

Mr. ALLEN. I am not prepared to say, Senator. I have not been given an opportunity, on account of the many other matters that require my immediate attention, to make the investigation that I want to make and that I intend to make in the Creek Nation. I do know, from the facts developed in the Thomas Atkins case, that they have been employing every means, foul and fair—

Senator TOWNSEND. Who have?

Mr. ALLEN. The oil companies—that could be employed to acquire these valuable allotments in the Cushing oil field.

Representative STEPHENS. If we were to give you the funds you could institute these inquiries yourself and bring suits without any congressional investigation?

Mr. ALLEN. Yes; and I expect to do that.

Representative BURKE. I will say to you that there is not a doubt in my mind, if you will prepare a proper amendment to the Indian appropriation bill, authorizing the use of a reasonable amount of the Creek funds, that it will be incorporated in the bill at either or both ends of the Capitol—the right given to use some of the money to properly prosecute these cases and defend the rights of the Creek Nation in these lands.

Mr. ALLEN. I was hoping that I could get you gentlemen sufficiently interested in this matter to hurry a special bill through Congress in order that this fund might become available within a short time for this purpose. I am not going to stay here this winter. I have got to be at home at work on these cases. We need this fund to carry on this investigation now.

Representative STEPHENS. I think the Indian appropriation bill will pass as soon as we get a resolution through on it, and that is the quickest and easiest way.

The CHAIRMAN. They have the bill ready to report now, I understand.

Representative BURKE. We could not get action on an independent matter in the House, possibly, in the present session.

Representative STEPHENS. It will be passed right away—

Mr. ALLEN (interrupting). What do you think about progress that could be made with a resolution to withdraw the lands from allotment?

The CHAIRMAN. I think that ought to be done before any rights have become vested.

Representative BURKE. If there are only four persons who are entitled to allotment it is not very important, although I am inclined to think it ought to be done.

Mr. ALLEN. But those four allotments are worth possibly \$5,000,000.

Representative BURKE. But no other person except those four have any status, as I understand it?

Mr. ALLEN. No; but those four allotments will more than equalize all the allotments in the Creek Nation. I think they are the four most valuable allotments in the Creek Nation.

Representative STEPHENS. Whatever rights those four allottees have to this land have become vested in them, and any legislation that we would pass now would not affect their interest in them.

Mr. ALLEN. No, sir. If this legislation is delayed until after the decree of the United States court cancelling the outstanding patents to these allotments, we can not affect them.

Representative BURKE. Is there anything in the claim that your proof of erroneous allotments of these lands depends upon these claimants to the tracts?

Mr. ALLEN. They have based that conclusion upon the fact that we have no fund that we can resort to to make this investigation. If you will give me that fund then there can be no merit in such a contention.

Representative BURKE. It is your idea that you could get the evidence independent of those claimants?

Mr. ALLEN. We can get the evidence if we can get the fund to use for that purpose.

Representative BURKE. It does not seem to me that it ought to be very hard to prove the date upon which a person has died?

Mr. ALLEN. I do not want to use the evidence, and would not use it, as I have told several of the people who are getting testimony in behalf of these people who are trying to file, because I have not confidence in one of the leading men who is getting this testimony, one Coody Johnson, a Creek freedman, whose time has been entirely employed for the past year in securing testimony in some cases to defeat the right of the Creek Nation by proving the allottees died since April 1, 1899, and in others to bolster up the case of the Creek Nation in order to vest title in the persons who are filing upon the allotments.

The CHAIRMAN. Your idea is that some action should be taken at least toward withdrawing these allotments from entry as soon as possible?

Mr. ALLEN. Yes.

The CHAIRMAN. Otherwise, from the decision in the case you have referred to, at least part of them will probably be lost thereby?

Mr. ALLEN. Yes.

The CHAIRMAN. We will see if we can do anything toward that end. As to your suggestion about this commission making an investigation, we have that matter under advisement.

Mr. ALLEN. I have a memorandum that I will have copied and presented to you. You can use it in the record, if you so desire. It shows the status of the four people who are trying to file upon these allotments.

The CHAIRMAN. I think we would like to have that in the record. You may furnish that to the stenographer and it will be incorporated in the record.

Now, if there is nothing further, we would like to have a brief executive session.

(Whereupon, at 3.30 o'clock p. m., the joint commission entered into executive session.

The memorandum submitted by Mr. Allen and ordered incorporated in the record is in the words and figures following, to wit:)

VALUABLE OIL LANDS SOUGHT IN ALLOTMENT BY ALLOTTEES OF CREEK NATION—
2,495 ACRES UNALLOTTED CREEK TRIBAL LANDS AVAILABLE FOR ALLOTMENT
NOT VALUABLE FOR OIL AND GAS.

It is of the gravest importance to the Creek Nation to determine the right of citizens of the Creek Nation who have not secured an allotment to now file upon allotment lands ceded, relinquished or reverted to the Creek tribe which have proven to be of great value as oil producing property.

Should the Department adopt a policy of permitting filings at this late day declared unallotted at the appraised value as made for allotment purposes twelve years ago, where the land has since enhanced in value, hundreds of thousands of dollars, by reason of oil and gas developments, which were unknown when the land was originally appraised. For instance, the allotment of Barney Thlocco, deceased, described as the NW. 4 of Section 9, T. 18 N., R. 7 E., 160 acres of land in the heart of the Cushing Oil Field, on which two wells are now producing 3,000 barrels daily, and the entire allotment valued at \$3,000,000, and which was appraised at \$550 for allotment purposes, is not being attempted to be taken in allotment by various claimants, who are attempting to show that Barney Thlocco, deceased, who was enrolled as a Creek citizen by blood (Roll No. "8592, Thlocco, Barney, Canceled Dec. 13, 1906, See 1093777-1906"), died prior to April 1, 1899, and his enrollment was cancelled and the suit was brought by the United States Attorney for the Eastern District of Oklahoma against the *unknown* heirs of Barney Thlocco, deceased, proceeding by publication of notice, and no heirs having entered an appearance a decree by default was entered July 29, 1911, cancelling the patents, Creek homestead and allotment deeds Nos. 9450 and 9451 issued in the name of Barney Thlocco, deceased.

Thereafter, Lulu Walcott, now Butler, who theretofore had an allotment but lost it in a contest to C. W. Garrett, by an adverse decision of the Oklahoma Supreme Court, and immediately made a tentative allotment of the lands allotted Barney Thlocco, deceased, now estimated at a value of \$3,000,000, and which had been advertised to be sold at public auction at Tulsa, Oklahoma, on June 26, 1913, to the highest bidder, as unallotted lands of the Creek Tribe, and which were withdrawn from sale by the Secretary on account of a telegram and letter from Charles E. Morgan, of Wewoka, Oklahoma, who claims to have found an heir of Barney Thlocco, and also because of an application of David Bowlegs, a Creek Freedman, noted on the rolls as dead, but who it is alleged is still living, and he seeks through his attorney to allot the land of Barney Thlocco, deceased, and has filed suit in the District Court of the United States for the Eastern District of Oklahoma, entitled David Bowlegs, a minor, by his guardian, J. P. Davis, vs. Bessie Wildcat, a minor, et als., Equity No. 2091, praying the cancellation of the enrollment of Barney Thlocco, an allotment of land due him, or his heirs, and that title to the lands be quieted in him. Furthermore, David Bowlegs through his attorneys, Mott, Ward & Meserve, sought a writ of mandamus from the Supreme Court of the District of Columbia in December, 1914, to compel the Secretary of the Interior to allot the Barney Thlocco land to their client, David Bowlegs, on the ground that the Secretary after March 4, 1907, had no authority to make a notation on the rolls that David Bowlegs died prior to April 1, 1899, not entitled to allotment.

A motion has been made to reopen the decree by default against the heirs of Barney Thlocco, deceased, in the United States District Court of the Eastern District of Oklahoma, which was granted, and an amended complaint entitled the United States of America, complainant, against Bessie Wildcat, et als., No. 2017 E, reviving the case against Barney Thlocco, deceased, and praying for the recovery to the Creek tribe of the land allotted Barney Thlocco, and declaring that allotments made to him are null and void, and asking that his enrollment and allotment be canceled. A great deal of testimony has been taken in the Barney Thlocco case, pending the outcome of trial Judge Ralph E.

Campbell, of the United States District Court at Muskogee, Oklahoma, on April 17, 1914, appointed J. F. Darby receiver, and authorized him to make a lease on said lands with the Black Panther Oil & Gas Company to conserve the oil output under the lease till the final determination of title to the land. Four witnesses, who were citizens of the Creek Nation, made affidavit in 1904 and 1905 that Barney Thlocco died prior to April 1, 1899, at a time when the land was not known to be valuable for oil, when the witnesses most probably spoke the truth. Since the discovery of oil every effort will be made to show that Barney Thlocco died after April 1, 1899. His death is said to have occurred during an epidemic of smallpox in the early part of 1899, Jan., in a pest camp on Hillabee Creek, Creek Nation, as will appear from the records of Sac and Fox Agency.

It also appears that Linda Harjo, a daughter of the sister of Barney Thlocco is an heir to his estate, and David L. Berryhill, Creek by blood, Roll No. 103 of Okmulgee, Oklahoma, who claims to be the sole heir of Barney Thlocco has executed an oil and gas mining lease on commercial form covering the lands allotted Barney Thlocco. It also appears that William Frank, on June 16, 1913, a Creek by blood, Roll No. 7024, made tentative application to take in allotment the W/2 of the NW/4 of the NW/4 of Sec. 9, T. 18, N., R. 7 E., containing 5 acres of the allotment.

Thus we have Linda Harjo, David L. Berryhill, David Bowlegs, William Frank, Lulu Walcott, all applying for the land of Barney Thlocco. One freedman and one citizen have made two tentative applications prior to that of David Bowlegs for the Barney Thlocco Allt.

CREEK ROLL, CREEK FREEDMEN.

No. 796. Bowlegs, David. (Died prior to March 4, 1902; not entitled to allotment; I. T. 64573/07, 7/30/07.)

Age 2; Male; Card No. 742.

Approved by Jesse E. Wilson, Assistant Secretary of the Interior, February 28, 1907.

David Bowlegs, newborn Creek freedman, Roll No. 796, enrolled under the Act of March 3, 1905 (33 Stat. L., 1048), as 2 years of age on March 4, 1905, having been born November 11, 1902, which provided for the enrollment of minor children born subsequent to May 25, 1901, and prior to March 4, 1905, and living on said latter date as the minor child of enrolled parents.

Application for his enrollment was filed April 20, 1905, and his enrollment was approved by the Secretary on February 28, 1907. The mother of David Bowlegs on July 18, 1907, filed an affidavit with the Commissioner to the Five Civilized Tribes that David Bowlegs died about September, 1903. Opposite his name and roll number appear on the final approved roll of Creek citizens this notation, made July 30, 1907: "Died prior to March 4, 1905; not entitled to allotment."

David Bowlegs never having been allotted land as a Creek freedman, applied through his acting guardian on June 17, 1913, to take in allotment the lands allotted Barney Thlocco, deceased, excepting 5 acres, to wit:

The E/2 of the NW/4, and the E/2 of the NW/4 of the NW/4, and the SW/4 of the NW/4 of the NW/4 and the E/2 of the NW/4 of the NW/4 of the NW/4 of the NW/4 and the E/2 of the SW/4 of the NW/4, and NW/4 of the SW/4 of the NW/4 and the E/2 of the SW/4 of the SW/4 of the NW/4 of Section 9, Twp. 18 North, Range 7, East in Creek County, Oklahoma, being a part of the allotment of Barney Thlocco, deceased, described as the NW/4 of Section 9, Twp. 18 N., Range 7 E.

CREEK CITIZENS BY BLOOD.

Alleged duplicate enrollment:

No. "8514. Coker, Emma, 30, F, Full, 2974."

No. "4634. Lena, Hettie, 30, F, 1/2, 1452."

It is claimed that Emma Coker, a full-blood Creek, is identical with Hettie Lena, a one-half blood Creek, the father of Emma Coker being a Seminole Indian, name unknown, while her mother was Loskey, a Creek citizen, while the father of Hettie Lena is Lena, a Seminole citizen, and her mother Loskochee, a

Creek citizen. Hettie Lena claims to have had seven children, three of whom were named Sallo and Ella Coker, new-born Creeks, Roll Nos. 1178, 1179, and Annie Coker, enrolled minor Creek No. 470, and claims to have been the wife of Charlie Coker of Little River Tulsa Town, who the census card shows was the husband of Emma Coker, full-blood Creek No. 8514. Hettie Lena, who says her nickname is Emma, and who claims to have had three husbands, her present husband being Isaac Taylor, and her two former husbands, being Charley Coker and Mose Larney, says that she is a one-half blood Seminole and a one-half blood Creek; that she received allotments, both under the name of Hettie Lena and Emma Coker. She desires to retain as her allotment the homestead of Emma Coker, described as the SE/4 of NE/4 of Sec. 16, T. 18 N., R. 7 E., and the surplus allotment of Hettie Lena, described as the N/2 of SE/4 and the SE/4 of the SE/4 of Sec. 29, T. 12 N., R. 7 E., and has executed a quit-claim deed to the Creek Nation conveying back her surplus allotment as Emma Coker, described as the N/2 of the NW/4 and the SW/4 of the NW/4 of Sec. 16, T. 18, R. 7 E., and the homestead as Hettie Lena, described as the SW/4 of the SE/4 of Sec. 29, T. 12 N., R. 7 E., thus retaining the 40 acre homestead of Emma Coker, and the surplus allotment of Hettie Lena of 120 acres, retaining a full allotment of 160 acres.

Under the name of Hettie Lena she has sold 120 acres of the allotment of Emma Coker, on which a lease was originally made to Robert Oglesby, and assigned to E. P. Harwell, and there appears to be also an oil and gas lease on the homestead of Hettie Lena in favor of Marvin K. Colver, which she has ceded to the Creek Nation. It is a suspicious circumstance that Hettie Lena, as Emma Coker, relinquishes to the Creek Nation the oil lands under lease, the most valuable of her holdings, for which an application has been made by Lulu Walcott, now Butler, a Creek freedwoman through her attorney W. P. Thraves, an oil man, who seeks to file as her allotment the W/2 of the NW/4, and the NE/4 of NW/4 of Sec. 16, T. 18, N. of R. 7 E., containing 120 acres. Lulu Walcott, now Butler, previously filed a tentative application on the allotment of Barney Thlocco, deceased, during the pendency of contest proceedings over her original allotment, which was decided adversely to her by the Supreme Court of Oklahoma. She now withdraws her application on the Barney Thlocco, deceased, allotment, and seeks to select an allotment of the above allotted land of Emma Coker, thus contesting with Charles Garrett, the allotment he selected for his three minor children, which he finally won in the Supreme Court of Oklahoma by her dismissal of her appeal in order to tentatively file on the allotment of Barney Thlocco, deceased, which she later withdrew to file on the oil lands under lease relinquished by Emma Coker as her surplus and as Hettie Lena, her homestead. It is seriously doubted whether Emma Coker, as Hettie Lena, can relinquish a part of each allotment, and at the same time retaining a portion of each allotment, as each allotment of Emma Coker and Hettie Lena are separate and distinct allotments, and both cannot be treated as one allotment, nor can Emma Coker elect what portion of each allotment she prefers to relinquish or retain.

J. George Wright in his report of July 22, 1914, expresses the opinion that Emma Coker and Hettie Lena are one and the same person, and that it is a case of duplicate enrollment and allotment, whereas the heirs of Emma Coker insist that Emma Coker is a different person from Hettie Lena. Lulu Walcott, now Butler, has filed suit through Messrs. Mott, Ward and Sturdevant to determine her right to take in allotment 120 acres of land allotted Emma Coker. Charley Coker is a fugitive from justice. There is evidence that he had a child named Emma Coker which died in infancy about 1900 or 1901 by being burned to death at the home of Ottawa Cain, near Holdenville, Oklahoma. Grave doubts exist as to whether any such person as Emma Coker ever existed, and if she did exist whether she died prior to April 1, 1899. The land allotted Emma Coker is described as the NE/4 of the NW/4 and Lot 2 of SE/4 of NW/4, and SW/4 of NE/4 of Sec. 12, T. 15 N., R. 17 E., which land lies near the allotment of Barney Thlocco, is in the heart of the Cushing Oil Field and has one well producing 3,000 barrels of oil daily.

DOUBLE ENROLLMENT AND ALLOTMENT.

Nancy Grayson, full blood Creek citizen, Roll No. 4449, enrolled as 21 years of age, a female, was allotted 160 acres in Sec. 28, T. 11 N., R. 12 E., and later

was allotted under the name of Lete Kolvin, full-blood Creek, Roll No. 8092, 21 years of age, a female, 160 acres, in Sec. 6, T. 18 N., R. 7 E., in the Cushing Oil Field, and is very valuable on account of its oil producing properties.

The Thomas Atkins allotment is located in the Cushing Oil Field, and is of great value as an oil producing property.

CREEK ROLL, CREEK FREEDMAN, NEW-BORN.

Age Sex Card No.

Roll No. "219, Garrett, Quentin, 2, M, 138."

Through his guardian C. W. Garrett, applied on October 28, 1914, to take in allotment all of the land allotted Thomas Atkins, except Lot 4, being his homestead. It appears that the allotment of Quentin Garrett has been involved in litigation for several years with the Bacone University, and the United States Supreme Court awarded the land to said university, and Quentin Garrett now seeks to select 120.85 acres of the allotment of Thomas Atkins, whom he charges died prior to April 1, 1899, and therefore his lands are in truth unallotted lands of the Creek Nation.

On October 31, 1914, Messrs. Mott and Ward, John B. Meserve, and Messrs. Benjamin and Villard Martin, Attorneys for Quentin Garrett, filed suit in the U. S. District Court for the Eastern District of Oklahoma against Charles Page and forty other defendants, asking that he be decreed to be the owner of 120.85 acres of the allotment of Thomas Atkins, deceased, described as the SW/4 of the NE/4 and Lot 2 of Sec. 5, and the SW/4 of NW/4 of Sec. 4, T. 18 N., R. 7 E., Creek County, Okla. Case now pending.

CREEK CITIZENS BY BLOOD.

No. 7913. Atkins, Thomas. Age 10, Male, 1/2 Blood, Census Card #2707.

Approved by Thomas Ryan, Assistant Secretary of the Interior, May 21, 1904.

June 30, 1902, the Dawes Commission issued certificate No. 16983, in name of Thomas Atkins, Roll No. 7913, for the SW/4 of the NE/4 and Lot 2 of Sec. 5; SW/4 of NW/4 and Lot 4, Sec. 4, T. 18, R. 7 E., containing 162.01 acres, of which Lot 4 was designated as his homestead, and allotment deed was approved May 8, 1903. It is claimed that Thomas Atkins died prior to June 27, 1902, the date of the issuance of his certificate of citizenship, that he was born about 1889 or 1890, and died at about the age of ten years; further, that he died prior to April 1, 1899, the date on which he had to be living to be enrolled. It is believed that his mother, Minnie Atkins, now Folk, wife of Harry, or Henry, Folk, a musician in the United States Army, stationed at Fort Lawton, Seattle, Washington, was induced to give his name as her child in making up the 1895 Creek pay roll for the purposes of receiving his share of money due him, which the record shows she did receive, and it is questionable whether any such person as Thomas Atkins ever lived, although it is alleged in suit filed that Thomas Atkins died in the year 1903 or 1904 at Wagoner, Oklahoma, leaving surviving him as his sole and only heir at law, Nancy Atkins, his mother.

VALUABLE OIL LANDS SOUGHT IN ALLOTMENT BY ALLOTTEES OF CREEK NATION.

2495 ACRES UNALLOTTED CREEK TRIBAL LANDS AVAILABLE FOR ALLOTMENT NOT VALUABLE FOR OIL AND GAS.

It is of the gravest importance to the Creek Nation to determine the right of citizens of the Creek Nation who have not secured an allotment to now file upon allotted lands ceded, relinquished or reverted to the Creek tribe which have proven to be of great value as oil producing property.

Should the Department adopt a policy of permitting filings at this late day on lands declared unallotted at the appraised value as made for allotment purposes twelve years ago, where the land has since enhanced in value, hundreds

of thousands dollars, by reason of oil and gas developments, which were unknown when the land was originally appraised. For instance, the allotment of Barney Thlocco, deceased, described as the NW/4 of Sec. 9, T. 18 N., R. 7 E., 160 acres of land in the heart of the Cushing Oil Field, on which two wells are now producing 3,000 barrels daily, and the entire allotment valued at \$3,000,000, and which was appraised at \$550,000 for allotment purposes, is now being attempted to be taken in allotment by various claimants, who are attempting to show that Barney Thlocco, deceased, who was enrolled as a Creek citizen by blood, Roll No. "8592, Canceled Dec. 13, 1906, See Thlocco., Barney 109377—1906 35 M Full 3021," died prior to April 1, 1899, and his enrollment was canceled and the suit was brought by the United States Attorney for the Eastern District of Oklahoma against the *unknown* heirs of Barney Thlocco, deceased proceeding by publication of notice, and no heirs having entered an appearance a decree by default was entered July 29, 1911, cancelling the patents, Creek homestead and allotment deeds Nos. 9450 and 9451 issued in the name of Barney Thlocco, deceased.

Thereafter, Lulu Walcott, now Butler, who theretofore had an allotment but lost it in a contest to C. W. Garrett by an adverse decision of the Oklahoma Supreme Court, and immediately made a tentative allotment of the lands allotted Barney Thlocco, deceased, now estimated at a value of \$3,000,000, and which had been advertised to be sold at public auction at Tulsa, Oklahoma, on June 26, 1913, to the highest bidder, as unallotted lands of the Creek tribe, and which were withdrawn from sale by the Secretary on account of a telegram and letter from Charles E. Margan of Wewoka, Oklahoma, who claims to have found an heir of Barney Thlocco, and also because of an application of David Bowlegs, a Creek freedman, noted on the rolls as dead, but who it is alleged is still living, and he seeks through his attorney to allot the land of Barney Thlocco, deceased, and has filed suit in the District Court of the United States for the Eastern District of Oklahoma, entitled David Bowlegs, a minor, by his guardian, J. P. Davis, vs. Bessie Wildcat, a minor, et als, Equity No. 2091, praying the cancellation of the enrollment of Barney Thlocco, an allotment of land due him, or his heirs, and that title to the lands be quieted in him. Furthermore, David Bowlegs through his attorneys, Mott, Ward & Meserve, sought a writ of mandamus from the Supreme Court of the District of Columbia in December, 1914, to compel the Secretary of the Interior to allot the Barney Thlocco land to their client, David Bowlegs, on the ground that the Secretary after March 4, 1907, had no authority to make a notation on the rolls that David Bowlegs died prior to April 1, 1909, not entitled to allotment.

A motion has been made to reopen the decree by default against the heirs of Barney Thlocco, deceased, in the United States District Court of the Eastern District of Oklahoma, which was granted, and an amended complaint entitled the United States of America, complainant, against Bessie Wildcat, et als, No. 2017 E, reviving the case against Barney Thlocco, deceased, and praying for the recovery to the Creek tribe of the land allotted Barney Thlocco, and declaring that allotments made to him are null and void, and asking that his enrollment and allotment be canceled. A great deal of testimony has been taken in the Barney Thlocco case, pending the outcome of trial. Judge Ralph E. Campbell, of the United States District Court at Muskogee, Oklahoma, on April 17, 1914, appointed J. F. Darby, Receiver, and authorized him to make a lease on said lands with the Black Panther Oil & Gas Company to conserve the oil output under the lease till the final determination of title to the land. Four witnesses, who were citizens of the Creek Nation, made affidavit in 1904 and 1905 that Barney Thlocco died prior to April 1, 1899, and as the land was not then known to be valuable for oil the witnesses most probably spoke the truth. Since the discovery of oil every effort will be made to show that Barney Thlocco died after April 1, 1899. His death is said to have occurred during an epidemic of smallpox in the early part of 1899, Jan., in a pest camp on Hillabee Creek, Creek Nation, as will appear from the records of Sac and Fox Agency.

It also appears that Linda Harjo, a daughter of the sister of Barney Thlocco, is an heir to his estate, and David L. Berryhill, Creek by blood, Roll No. 103 of Okmulgee, Oklahoma, who claims to be the sole heir of Barney Thlocco has executed an oil and gas mining lease on commercial form covering the lands allotted Barney Thlocco. It also appears that William Frank, on June 16, 1913, a Creek by blood, Roll No. 7024, made tentative application to take in allotment the W/2 of the NW/4 of the NW/4 of Sec. 9, T. 18 N., R. 7 E., containing 5 acres of the allotment.

Thus we have Linda Harjo, David L. Berryhill, David Bowlegs, William Frank, Lulu Walcott, all applying for the land of Barney Thlocco. One freedman and one citizen have made two tentative applications prior to that of David Bowlegs for the Barney Thlocco All't.

CREEK CITIZENS BY BLOOD.

Alleged duplicate enrollment:

No. " 8514, Coker, Emma, 30. F, Full, 2974."

No. " 4634, Lena, Hettie, 30, F, 1/2, 1452."

It is claimed that Emma Coker, a full-blood Creek, is identical with Hettie Lena, a one-half blood Creek, the father of Emma Coker being a Seminole Indian, name unknown, while her mother was Loskey, a Creek citizen, while the father of Hettie Lena is Lena, a Seminole citizen, and her mother, Loskochee, a Creek citizen. Hettie Lena claims to have had seven children, three of whom were named Sallo and Ella Coker, newborn Creeks, Roll Nos. 1178, 1179, and Annie Coker, enrolled minor Creek No. 470, and claims to have been the wife of Charlie Coker of Little River Tulsa Town, who the census card shows was the husband of Emma Coker, full-blood Creek, No. 8514. Hettie Lena, who says her nickname is Emma, and who claims to have had three husbands, her present husband being Isaac Taylor, and her two former husbands, being Charley Coker and Mose Larney, says that she is a one-half blood Seminole and a one-half blood Creek; that she received allotments, both under the name of Hettie Lena and Emma Coker. She desires to retain as her allotment the homestead of Emma Coker, described as the SE/4 of NW/4 of Sec. 16, T. 18 N., R. 7 E., and the surplus allotment of Hettie Lena, described as the N/2 of SE/4 and the SE/4 of the SE/4 of Sec. 29, T. 12 N., R. 7 E., and has executed a quit-claim deed to the Creek Nation conveying back her surplus allotment as Emma Coker, described as the N/2 of the NW/4 and the SW/4 of the NW/4 of Sec. 16, T. 18, R. 7 E., and the homestead as Hettie Lena, described as the SW/4 of the SE/4 of Sec. 29, T. 12 N., R. 7 E., thus retaining the 40-acre homestead of Emma Coker, and the surplus allotment of Hettie Lena of 120 acres, retaining a full allotment of 160 acres.

Under the name of Hettie Lena she has sold 120 acres of the allotment of Emma Coker, on which a lease was originally made to Robert Oglesby, and assigned to E. P. Harwell, and there appears to be also as oil and gas lease on the homestead of Hettie Lena in favor of Marvin K. Clover, which she has ceded to the Creek Nation. It is a suspicious circumstance that Hettie Lena, as Emma Coker, relinquishes to the Creek Nation the oil lands under lease, the most valuable of her holdings, for which an application has been made by Lulu Walcott, now Butler, a Creek freedwoman, through her attorney W. P. Thraves, an oil man, who seeks to file as her allotment the W/2 of the NW/4, and the NE/4 of NW/4 of Sec. 16, T. 18, N. of R. 7 E., containing 120 acres. Lulu Walcott, now Butler, previously filed a tentative application on the allotment of Barney Thlocco, deceased, during the pendency of contest proceedings over her original allotment, which was decided adversely to her by the Supreme Court of Oklahoma. She now withdraws her application on the Barney Thlocco, deceased, allotment, and seeks to select an allotment of the above allotted land of Emma Coker, thus contesting with Charles Garrett the allotment he selected for his three minor children, which he finally won in the Supreme Court of Oklahoma by her dismissal of her appeal in order to tentatively file on the oil lands under lease relinquished by Emma Coker as her surplus and as Hettie Lena, her homestead. It is seriously doubted whether Emma Coker, as Hettie Lena, can relinquish a part of each allotment, and at the same time retaining a portion of each allotment, as each allotment of Emma Coker and Hettie Lena are separate and distinct allotments, and both cannot be treated as one allotment, nor can Emma Coker elect what portion of each allotment she prefers to relinquish or retain.

J. George Wright in his report of July 22, 1914, expresses the opinion that Emma Coker and Hettie Lena are one and the same person, and that it is the case of duplicate enrollment and allotment, whereas the heirs of Emma Coker insist that Emma Coker is a different person from Hettie Lena. Lulu Walcott, now Butler has filed suit through Messrs. Mott, Ward and Sturdevant to determine her right to take in allotment 120 acres of land allotted Emma Coker.

Charley Coker is a fugitive from justice. There is evidence that he had a child named Emma Coker which died in infancy about 1900 or 1901 by being burned to death at the home of Ottawa Cain, near Holdenville, Oklahoma. Grave doubts exist as to whether any such person as Emma Coker ever existed, and if she did exist whether she died prior to April 21, 1909. The land allotted Emma Coker is described as the SE/4 of the NW/4 and N/2 of NW/4, and SW/4 of NW/4 of Sec. 16, T. 18 N., R. 7 E., which land lies near the allotment of Barney Thlocco, is in the heart of the Cushing Oil Field and has one well producing 3,000 barrels of oil daily.

DOUBLE ENROLLMENT AND ALLOTMENT.

Nancy Grayson, full blood Creek citizen, Roll No. 4449, enrolled as 21 years of age, a female, was allotted 160 acres in Sec. 28, T. 11, N. R. 12 E., and later was allotted under the name of Lete Kolvin, full-blood Creek, Roll No. 8092, 21 years of age, a female, 160 acres, in Sec. 6, T. 18, N. R. 7 E., in the Cushing Oil Field, and is very valuable on account of its oil producing properties.

CREEK CITIZENS BY BLOOD.

No. 7913. ATKINS, THOMAS, Age 10. Male. 1/2 Blood, Census Card #2707.

Approved by Thomas Ryan, Assistant Secretary of the Interior, Nov. 14, 1904.

June 30, 1902, the Dawes Commission issued certificate No. 16983, in name of Thomas Atkins, Roll No. 7913, for the SW/4 of the NE/4 and Lot 2 of Sec. 5; SW/4 of NW/4 and Lot 4, Sec. 4, T. 18, R. 7 E., containing 162.01 acres, of which Lot 4 was designated as his homestead, and allotment deed was approved May 8, 1903. It is claimed that Thomas Atkins died prior to June 27, 1902, the date of the issuance of his certificate of citizenship, that he was born about 1889 or 1890, and died at about the age of ten years; further, that he died prior to April 1, 1899, the date on which he had to be living to be enrolled. It is believed that his mother, Minnie Atkins, now Folk, wife of Harry, or Henry, Folk, a musician in the United States Army, stationed at Fort Lawton, Seattle, Washington, was induced to give his name as her child in making up the 1895 Creek pay roll for the purpose of receiving his share of money due him, which the record shows she did receive, and it is questionable whether any such person as Thomas Atkins ever lived, although it is alleged in suit filed that Thomas Atkins died in the year 1903 or 1904 at Wagoner, Oklahoma, leaving surviving him as his sole and only heir at law, Nancy Atkins, his mother.

The Thomas Atkins allotment is located in the Cushing Oil Field, and is of great value as an oil producing property.

CREEK ROLL, CREEK FREEDMAN, NEW-BORN.

Age Sex Card No.

Roll No. "219, Garrett, Quentin, 2, M, 138"

Through his guardian C. W. Garrett, applied on October 28, 1914, to take in allotment all of the land allotted Thomas Atkins, except Lot 4, being his homestead. It appears that the allotment of Quentin Garrett has been involved in litigation for several years with the Bacone University, and the United States Supreme Court awarded the land to said university, and Quentin Garrett now seeks to select 120.85 acres of the allotment of Thomas Atkins, whom he charges died prior to April 1, 1899, and therefore his lands are in truth unallotted lands of the Creek Nation.

On October 31, 1914, Messrs. Mott and Ward, John B. Meserve, and Messrs. Benjamin and Villard Martin, Attorneys for Quentin Garrett, filed suit in the U. S. District Court for the Eastern District of Oklahoma against Charles Page and forty other defendants, asking that he be decreed to be the owner of 120.85 acres of the allotment of Thomas Atkins, deceased, described as the SW/4 of the NE/4 and Lot 2 of Sec. 5, and the SW/4 of NW/4 of Sec. 4, T. 18 N., R. 7 E., Creek County, Okla.

Case now pending.

CREEK ROLL, CREEK FREEDMEN.

No. 796. Bowlegs, David. (Died prior to March 4, 1902; not entitled to allotment, I. T. 64573/07, 7/30/07.)

Age 2, Male, Card No. 742.

Approved by Jesse E. Wilson, Assistant Secretary of the Interior, February 28, 1907.

David Bowlegs, newborn Creek freedman. Roll No. 796, enrolled under the Act of March 3, 1905 (33 Stat. L., 1048), as 2 years of age on March 4, 1905, having been born November 11, 1902, which provided for the enrollment of minor children born subsequent to May 25, 1901, and prior to March 4, 1905, and living on said latter date as the minor child of enrolled parents. Application for his enrollment was filed April 20, 1905, and his enrollment was approved by the Secretary on February 28, 1907. The mother of David Bowlegs on July 18, 1907, filed an affidavit with the Commissioner to the Five Civilized Tribes that David Bowlegs died about September, 1903. Opposite his name and roll number appear on the final approved roll of Creek citizens this notation, made July 30, 1907. "Died prior to March 4, 1905; not entitled to allotment."

David Bowlegs never having been allotted land as a Creek freedman, applied through his acting guardian on June 17, 1913, to take in allotment the lands allotted Barney Thlocco, deceased, excepting 5 acres, to wit:

The E/2 of the NW/4, and the E/2 of the NW/4 of the NW/4, and the SW/4 of the NW/4 of the NW/4 and the E/2 of the NW/4 of the NW/4 of the NW/4 and the E/2 of the SW/4 of the NW/4, and NW/4 of the SW/4 of the NW/4 and the E/2 of the SW/4 of the SW/4 of the NW/4 of Section 9, Twp. 18 North, Range 7, East in Creek County, Oklahoma, being a part of the allotment of Barney Thlocco, deceased, described as the NW/4 of Section 9, Twp. 18 N., Range 7 E.

CREEK CITIZENS BY BLOOD, MINOR CHILDREN, ENROLLED UNDER ACT OF APRIL 26, 1906 (34 STAT., 137).

"No. 110, Wilson, Jack Elton, 1, M. 3/8, Card No. 147."

On March 18, 1907, R. B. Wilson, father of Jack Elton Wilson, Creek minor, Roll No. 110, made tentative application to take in allotment for his son land allotted one Eli Tiger, Creek by blood, Roll No. 825, whose name was stricken from the roll by the Secretary on March 4, 1907.

June 29, 1910, the father, learning that the lands sought had been sold by the heirs of Eli Tiger, and considering it extremely doubtful whether or not a suit could be successfully maintained to cancel the patents thereto issued to the heirs of Eli Tiger, applied to relinquish the tentative application made by him to take in allotment for his son, Jack Elton Wilson, the lands allotted in the name of Eli Tiger, and on the same day that he relinquished, he made a tentative application to take in allotment certain lands that had been allotted Sampson McGilbray, Creek freedman, Roll No. 5637, who died prior to April 1, 1899. Opposite whose roll number and name a notation had been made by the Secretary on July 11, 1911, as follows: "Died prior to April 1, 1899; not entitled to land or money."

A suit to cancel the patent to Sampson McGilbray, deceased, was filed, and it appearing that Sampson McGilbray had sold the land allotted in his name to innocent purchasers on February 25, 1914, the United States Judge for the Eastern District of Oklahoma, awarded the land to the innocent purchasers.

Following that adverse decision, R. B. Wilson, the father, on February 28, 1914, made tentative application to take in allotment for his son, Jack Elton Wilson certain land allotted Joe Grayson, deceased Creek freedman No. 5464. J. C. Denton, his attorney, filed a brief in support of the tentative application, claiming that the patents issued in favor of the heirs of Joe Grayson, deceased, were null and void, charging that as Joe Grayson died before allotment and having left no heirs living, the title to the land continued in the Creek Nation, and was public domain thereof, and that the will made by Joe Grayson on March 14, 1901, conveying said land to Samuel Grayson of Eufaula, Oklahoma, was void for want of power to execute said will. The devisee under the will applied to select a portion of the allotment of Joe Grayson, deceased, and patents were issued to the heirs of Joe Grayson, on October 21, 1905, and were recorded and delivered to Samuel Grayson at Eufaula.

R. B. Wilson has attempted to allot land for his son which had been allotted to Eli Tiger, Sampson McGilbray and Joe Grayson, whose enrollments were cancelled, and he applied at a time when there was a considerable area of unallotted lands of the Creek Nation which he could have selected for his son without litigation, and of which he was advised.

The Joe Grayson allotment is valuable for oil, having several producing wells located thereon at this time on all of the land which he has applied for his son, and there are improvements thereon which the father does not own or claim to own. It is apparent that R. B. Wilson is simply being used as a stool pigeon by designing people interested in oil development to procure valuable oil allotments where it is possible to recover same through litigation and when there are 695 acres of unallotted Creek tribal lands for which he could apply, and if the allotments of Eli Tiger, Sampson McGilbray and Joe Grayson are unallotted lands, they should be declared and recovered as unallotted lands of the Creek tribe. The Creek Nation should receive the fruits of litigation instead of Jack Elton Wilson, an unallotted member, receiving a most valuable allotment.

W. B. Thraves, an oil man, seems to be the sponsor for selections made on behalf of Jack Elton Wilson.



Deacidified using the Bookkeeper process.
Neutralizing agent: Magnesium Oxide
Treatment Date: April 2007

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